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Report of the Red Deer College Inquiry. 1



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**Report  
of  
The Red Deer College Inquiry**

**T. C. Byrne,  
Commissioner**

**May, 1972**

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# REPORT OF THE RED DEER COLLEGE INQUIRY

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Office of the President

May 11, 1972.

The Honourable Peter Lougheed,  
Chairman of the Executive Council,  
Government of Alberta,  
EDMONTON, Alberta.

Dear Mr. Premier,

Upon the recommendation of the Honourable the Minister of Advanced Education the Executive Council appointed the undersigned a Commissioner pursuant to the Public Inquiries Act for the purpose of inquiring into and concerning the Red Deer College and enabled this Inquiry through Orders-in-Council 427/72 and 428/72.

I have now to report the completion of the assigned task and I present herewith copies of Report of the Red Deer College Inquiry for the information of the Executive Council.

Yours faithfully,

T.C. Byrne,  
President.

TCB/im

Enclosures



RED DEER COLLEGE INQUIRY  
Acknowledgements

At the outset the Commissioner should like to state that the task of inquiring into the affairs of Red Deer College was made immeasurably easier through the full co-operation and assistance of the Red Deer College Board of Governors, the Red Deer College Faculty Association, the Red Deer College Students Association, the Red Deer College Senior Administration and Local 1445 of the Canadian Union of Public Employees. Whatever the perceptions of these various groups towards the problems of the College, they appear to share a common and mutual concern for the future of Red Deer College. Documents, minute books, correspondence and written statements were made readily available to the Inquiry.

The Commissioner would also like to thank Mr. Peter Power for his assistance and counsel particularly in relation to the legal aspects of the inquiry. As well, Mr. Gordon Wright, legal counsel to the Senior Administration and Mr. James Beames, legal counsel to the Board of Governors assisted in the conduct of the inquiry through their advice and suggestions.

Before, during and after the hearings Mr. Jim Bolding, the Registrar and Mr. N. Romalo, the Bursar were of incalculable help and gave generously of their time and talents in assisting the Commissioner in gaining an understanding of Red Deer College.

The staff of the Alberta Colleges Commission contributed greatly to an understanding of the colleges system and the Commissioner is



RED BEAR COLLEGE INQUIRY  
Acknowledgements

At the outset the Commissioner should like to state that the task of inquiring into the affairs of Red Bear College was made immeasurably easier through the full co-operation and assistance of the Red Bear College Board of Governors, the Red Bear College Faculty Association, the Red Bear College Students Association, the Red Bear College Senior Administration and Local 1542 of the Canadian Union of Public Employees. Whatever the perceptions of these various groups towards the problems of the College, they appear to share a common and mutual concern for the future of Red Bear College. Documents, minute books, correspondence and written statements were made readily available to the inquiry. The Commissioner would also like to thank Mr. Walter Town for his assistance and counsel particularly in relation to the legal aspects of the inquiry. As well, Mr. Gordon Wright, legal counsel to the Senior Administration and Mr. James Newman, legal counsel to the Board of Governors assisted in the conduct of the inquiry through their advice and suggestions. Before, during and after the hearing Mr. Jim Selding, the Registrar and Mr. N. K. Kowalski, the Provost were of invaluable help and gave generously of their time and talents in assisting the Commissioner in gaining an understanding of Red Bear College. The staff of the Alberta Colleges Commission contributed greatly to an understanding of the colleges system and the Commissioner is

especially indebted to Dr. Henry Kolesar, Mr. Joe Batty and Dr. Milton Fenske in this regard.

The Commissioner would also like to mention Mr. Peter Freeman, Mr. A. Cairns, Mr. W.A.D. Burns, Dr. L.W. Ferguson and Mr. Harvey Ford, all of whom willingly addressed themselves to particular aspects of the Inquiry and in so doing added greatly to the fund of expertise available to the Commissioner.

It is appropriate to note the genuine concern of the City of Red Deer for the College and to state that the Commissioner and his staff were well received by the people of the City, many of whom assisted in the arrangements for the Inquiry. Members of the news media were also very helpful, most co-operative and generally fair and accurate in their reporting of the events that transpired during the public hearings.

Finally, the Commissioner would like to acknowledge and thank publicly those individuals, both members of the Red Deer College and members of the general public who came forward and presented briefs. For many of these people the presentation of a public brief was a difficult experience requiring a great deal of personal fortitude. It is doubtful however that the Commissioner could have come to a full understanding of Red Deer College without these acts of individual responsibility and good citizenship.







Approved and Ordered

*Grant H. Hays*  
LIEUTENANT GOVERNOR

O.C. 427/72

Edmonton,

March 21, 1972

The Executive Council has had under consideration the report of the Honourable the Minister of Advanced Education, dated March 9, 1972, stating that:

WHEREAS it is expedient and in the public interest to cause an inquiry to be made into and concerning the matters hereinafter set out:

THEREFORE, upon the recommendation of the Honourable the Minister of Advanced Education, the Executive Council advises that, pursuant to section 2 of The Public Inquiries Act, the Lieutenant Governor in Council hereby

1. declares by his commission that the matter hereinafter set out is a matter of public concern,
2. Issues a commission for the appointment of TIMOTHY C. BYRNE, of Edmonton, as a commissioner for the purpose of inquiring into and concerning the RED DEER COLLEGE, Red Deer, Alberta, and in particular, to inquire into
  - (a) the administration, organization and operation of the college;
  - (b) the relationships between the Colleges Commission, the College Board, staff, Faculty, students and the community;
  - (c) the range of programs offered or planned by the college; and
  - (d) such other matters as in the opinion of the Commissioner may affect the efficiency and effectiveness of the operation of the college.

*[Signature]*  
CHAIRMAN



## CHAPTER I

### A BRIEF DESCRIPTION OF RED DEER COLLEGE

The Red Deer College is a post-secondary educational institution located on the southwest outskirts of the City of Red Deer. The present facilities include classrooms, laboratories, a library, a gymnasium, a temporary bookstore, lounges and dining facilities. A building program, currently underway, will add residence facilities, cafeteria and food services space, a library addition, a second gymnasium, additional science laboratories, a permanent bookstore, and spaces for various other ancillary services.

The Red Deer College was started in September of 1964 as Red Deer Junior College. Initially it came within the jurisdiction of the Red Deer Public School District No. 104 and was, for a period, housed in the Lindsay Thurber Composite High School. Responsibility for the planning and operation of the Junior College was shared between Mr. G.H. Dawe, Superintendent of Schools for the District, and Mr. Peter Raffa, Dean of the College, although the taxing authority of several school districts, divisions and counties was used during this period to provide some of the money necessary to operate the Junior College.

In September of 1968, the College moved to its present site and expanded its offerings to include diploma or terminal programs. On May 7th, 1969, the College's formal connection with the Red Deer Public School District No. 104 came to an end as Red Deer College now





came within the purview of The Colleges Act.

Red Deer College offers the majority of its programs of studies during regular day session from September through April. Credit courses are also offered during an evening session which closely parallels the day session in course content and hours of instruction. Non-credit evening courses or "interest" courses are also offered in the evening on an ad hoc occasional basis. As well, the College offers credit courses during a summer session running from July through mid-August. In short, the academic year and sessions thereof follow the patterns of the University of Alberta.

During the 1971-72 regular day and evening sessions, Red Deer College had a full-time equivalent student enrolment of approximately 800. It should be noted however that many more than 800 individuals attended courses at the Red Deer College. Students attending evening interest courses, for example, do not qualify for grant purposes and are not included in the full-time equivalent count.

Red Deer College employs an academic staff of approximately 75 persons most of whom have at least a Master's degree or the equivalent thereof. The majority of faculty members have earned at least one degree at an Alberta university. Because Red Deer College is predominantly a teaching institution, members of the faculty are relieved of the burden of research that usually accompanies faculty status at a university.

Programs of studies at Red Deer College fall into the five broad categories--University Transfer Programs, Diploma Programs,



Academic Upgrading Programs, Continuing Education Programs, and the Priority Employment Training Program.

As the name implies, University Transfer Programs are those that require full matriculation on entrance and are designed as precursors to further study at university in a wide spectrum of faculties and schools such as agriculture, arts, science, education, engineering, law, the health sciences, business administration and commerce, etc. University Transfer Programs are "lock-stepped" with corresponding programs at the University of Alberta. Notwithstanding the fact the tuition fees at Red Deer College are substantially less than an equivalent program at a university, the College has experienced difficulty in retaining the majority of its first-year graduates since the starting of the second-year university transfer programs.

Diploma Programs in business administration, nursing (leading to the registered nurse qualification), social service, and secretarial science are also offered at Red Deer College. These programs do not presuppose further study and lead directly to employment positions. For convenience, one year business science and secretarial science certificate programs may be categorized with the Diploma Programs. Although the Diploma and Certificate Programs have entrance requirements, these are generally less rigorous than those of the University Transfer Programs.

The Academic Upgrading Programs are those that have as their objective the upgrading of the levels of academic competency of adults.





Upgrading may be a prelude to some specific vocational or technical program or possibly college or university preparation. There are no formal qualifications for admission to the Academic Upgrading Program although applicants are carefully screened and commence their studies at a level consistent with their abilities. The majority of Academic Upgrading Program students are sponsored and financially assisted by the Manpower Department.

Continuing Education Programs are those that generally have no prerequisites beyond an interest in the particular course being offered and the payment of fees. "Interest" courses such as Oral French, Ceramics and Defensive Driving fall within the field of continuing education. It should also be noted that administratively credit courses offered in evening session come within the authority of the Department of Continuing Education although in kind these courses are identical with university transfer courses.

The final category of programs is one that began during the 1971-72 academic year and may not continue into the succeeding year. The Priority Employment Training Program was a provincially funded program aimed at reducing the number of unemployed persons through training. Red Deer College became the centre for Priority Employment Training Programs in Central Alberta. Courses of a practical nature lasting 16 to 20 weeks were developed and offered.

Red Deer College is governed by the provisions of The Colleges Act of 1969. As a consequence, it has a Board of Governors consisting



of the President, five appointees of the Lieutenant Governor in Council, a student nominated by the Student Association and a faculty member nominated by the Faculty Association. The Board of Governors has responsibility for virtually all financial matters as well as general responsibility for the policies governing "the organization, the administration, operation and courses of instruction of the College". The Board is also required to negotiate and conclude an agreement with the Academic Staff Association on matters relating generally to faculty, conditions of employment, salaries and welfare.

The Colleges Act also postulates an "academic council" but leaves the determination of its composition and function to negotiation between the Board, the Faculty Association and the Students' Council. The College Council at Red Deer College is governed by a negotiated constitution.

Although Red Deer College is an autonomous, post-secondary institution, its autonomy is in fact circumscribed by its relationship to the Colleges Commission and the University of Alberta.

The Colleges Commission is the agency through which the College receives government funding. The College projects an enrolment and budgets on the basis of that projection but receives funds from the Colleges Commission on the basis of the actual number of students that enrol rather than the projections which are done in advance of the College's fiscal year. The Colleges Commission also has regulatory and proscriptive authority in respect of the expansion of facilities and



programs as well as advisory and administrative responsibility towards the College.

Although no official statement has yet been issued between the Red Deer College and the University of Alberta, a draft agreement has been prepared. It is thought it was governed by the University of Alberta. The University of Alberta has been that instructors in the Red Deer College have at least a Master's degree and those in second year courses have at least established Ph.D. degrees. In this way, the University that it is ensuring the responsibility of its courses to the University of Alberta.

Administratively Red Deer College is structured very much like a university. In addition to the president and vice-president there is a bursar, an assistant bursar, a registrar, an assistant registrar and a chairman of the Department of Student Services. The chairman of the departments of arts, career programs and sciences at Red Deer College roughly approximate, in an organizational sense, as a traditional university and chairman of individual career programs and departments in arts and science approximate department heads in a university. Red Deer College also has a director of continuing education and a staff member in charge of the data centre, both positions having counterparts in the organizational structure of a university.

## CHAPTER II

### SOME THEORIES IN COLLEGE GOVERNANCE

This chapter attempts to provide a foil against which the analysis of institutional conflict at Red Deer College as revealed by the Inquiry becomes meaningful. Some theoretical concepts are introduced and certain terms defined, both of which relate to educational institutions in general and are not necessarily applicable to any particular college.

A college is, in effect, a society or social system, established to achieve certain social objectives. Since it is an educational organization, these are mainly educational. The college purports to serve high school graduates and other adults by providing general and specific studies of two types--terminal or transfer programs.

Most colleges in the province provide:

- career programs up to two years in length which lead to direct entry into the labor force.
- university transfer programs which cover the first and second years of undergraduate studies.
- academic upgrading programs for adults seeking to improve their knowledge and skills.
- special interest programs for those pursuing avocational interests.



CHART I  
THE COLLEGE AS A SOCIAL SYSTEM

SPECIAL PARTS      *interact in the*      EDUCATIONAL PROCESS      *to achieve*      SYSTEM'S OBJECTIVES

*External limitations --*

Legal restraints; public expectations; influence of other institutions; fiscal restraints.

*The student body --*

For whom the system is operated.

*The Board of Governors --*

Which represents the public interest; legitimizes decisions of faculty; applies financial controls; carries out a management role.

*The administration --*

Which organizes the various components of the system to achieve its objectives; the management arm of the board.

*The faculty --*

Whose special knowledge and technical competence are necessary to achieve the objectives of the system.

*The curriculum --*

The instructional programs provided by the college to achieve the objectives of the system.

*The college organization --*

Methods of organizing students into groups; time schedules, class structures and movements.

*The technology of education --*

How the faculty carries out the instructional programs within the college organization.

*Other services --*

Library and counselling services to assist the college faculty in the achievement of the system's objectives.

*External influences --*

Relationships of the college to outside institutions and organizations; e.g., the community, the Alberta Colleges Commission, University of Alberta, Federal Manpower Department.

*The college may be viewed as a social system in its own right or as a sub-system of the provincial college system.*

The educational process within the college is achieved through the interaction of the various components or special parts of the college system.

Educational systems operate within both legal and fiscal restraints and within the dictates of custom.

A college system is a peoples organization. It is made up of groups each performing a distinctive role within the social organization.

Each sub-group within the system has a role to perform.

Certain expectations are held for the performance of institutional roles within the system. *If what is perceived in role performance varies markedly from what is expected, conflict may occur.*

*The couplings of the system are achieved by the understanding and acceptance derived from effective communication.*

An open system is one that accepts changes but seeks for stability.

Graduates who at the end of one or two years in the college environment have achieved:

1. Increased vocational competence.

2. Better understanding of themselves in relationship to society.

3. Greater competence in dealing with information leading to the acquisition of knowledge.

4. A clearer perception of values as determiners of human behavior.

5. A life style that is consistent with the individual's view of himself in relationship to society.

6. Entrance to other educational institutions.





## The College as a Social System

Chart I (page 12) sets out one view of the college as a social system. The objectives are listed in the third column. These determine the necessary parts listed in column one. The parts must work together in a closely related fashion--they are, in effect, coupled together to carry out the educational process. These couplings cause most of the operational problems. Column two contains some comments on the process necessary to achieve the objectives.

The college is a "people's organization". The major groupings, the students, faculty, administration, board of governors, special services (counselling, library) and support staff, are made up of people with individual and group views. The interaction among these groups constitutes the dynamics of system.

Systems, if they are to remain reasonably stable, must maintain an internal balance of forces. An imbalance arises when one group assumes a role not understood or accepted by other groups. Imbalance can result in internal conflict bringing the whole operation to a halt.

While the concept of systems is a relatively recent intellectual invention, the social system is as ancient as man. In a period of social stability, "people's organizations" receive little attention. They remain in balance; order in their operation is taken for granted. In periods of social change, social systems register the impact of change through degrees of internal conflict.



No one can seriously doubt that rapid social change is occurring in Canadian society. Nowhere has its impact been more apparent than in our post secondary institutions.

### The Governance of Colleges

It seems necessary to examine some ideas about the government and administration of colleges in general as a basis for understanding what has occurred in Red Deer College. A good deal has been written on these topics, much of which is significant to the operation of colleges in Alberta.

Two terms, authority and power, need definition as these are used frequently in discussing the dynamics of systems. Authority provides the basis for influencing people; it depends upon respect and acceptance. It is not forced. It is the cement that maintains society. Power is the use of force to make people do what you want.

Authority derives from several sources. A person may possess authority because of the position he holds. He has been appointed to a post in the administrative hierarchy to which is attributed the authority of status.

He may possess authority because of special knowledge or technical competence. The authority of the professional occupies an unique status in contemporary society.

He may possess great authority but little power. Authority deriving from knowledge is an illustration.





Power may or may not be related to authority. Authority is effective if it is recognized and accepted by those who are to be influenced by it. Power is often exerted by those whose authority is being challenged. A government exercises power over law breaking dissidents in society and thereby supports the authority of the state.

A government may also exercise power over its citizenry to maintain an authority which is no longer acceptable. This is what happens in a police state.

It is the undue exercise of power rather than the influence of authority that leads to conflict within social institutions.

#### Bureaucratic and Collegial Models

Two simplified models can be postulated to describe the governing dynamics within universities and colleges. One is the bureaucratic model typical of public service organizations. Authority derives from the public will and is vested in a governing body which is either elected or appointed. The administrative hierarchy or bureaucracy is appointed to carry out the public will. Authority derives from status in the bureaucracy. The flow of authority is downward. Issues are resolved not by conflict nor through consensus but by the flow of authority emanating from a central source. This model resembles structures in government, the army and business organizations.

The second model, known as collegial, tends to place an



emphasis on community. Authority in the collegial model derives from knowledge rather than status. Issues are resolved through consensus.

Organizations of people with a high degree of professional knowledge tend to arrive at decisions through collegial procedures. A good illustration of collegiality exists in law firms.

The bureaucratic model is self-contained with decisions being transmitted down the administrative hierarchy. The collegial model allows for outside influence. The professional owes a loyalty to an organization outside of the one in which he is employed.

Whether an educational organization is more bureaucratic than collegial depends on its position in public education. Elementary and secondary systems are more bureaucratic than universities. Junior or community colleges tend to fall in between.

#### The Colleges Act 1969

This middle ground position can be seen in the governing structures established by The Colleges Act of 1969. The board of governors was vested with the powers necessary to operate the college. While the president is deemed the chief executive officer of the college, he is in reality the senior administrative officer of the board.

Recognition was given to the collegial model through provisions for an academic council. The composition and function of the council is negotiated among three bodies: the college board, the academic staff association, and the students' council.





The academic council has the appearance of the general faculties council<sup>1</sup> typical of universities. It lacks, however, the substance of collegiality found in the university body. Since its functions are negotiated rather than legislated, the academic council's authority is not likely to be clearly defined. Such powers as it might possess may be expressed more effectively through other channels.

The effectiveness of the academic council as a device to achieve consensus within and among the faculty, student and administrative bodies depends on its leadership. If the president regards consensus within his total constituency as important, he might use the academic council to cultivate it. If he is impatient with the slowness of the consensus process, he relies on the power of the board of governors to legislate the acceptance of unpopular decisions.

It seems clear the bureaucratic model dominated in the drafting of The Colleges Act 1969. If a president fails to exploit the possibilities of the academic council for collegial decision making, he is probably being consistent with the spirit of the legislation.

#### Authority and Power Within the System

An examination of the legal structures for college governance provides one approach to understanding decision making. It

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<sup>1</sup> In most universities this body is known as the Senate.



provides a distinctly limited view, however, since it fails to describe the dynamics of the system, the shifting relationships among the system's several parts. Examining the informal arrangements of authority and power within the college society provides a clearer view of the realities of its operation.

The authority of the board has already been outlined. Its power is unrestricted within the limits established by legislation if one accepts the appropriateness of the bureaucratic model.

The board may choose to exploit its authority in a variety of ways. It may enter actively into the decision making process and may exploit fully, through its committees and through the administrative hierarchy, the legal powers with which it has been endowed by The Colleges Act.

On the other hand, the board may, as the corporate body of the college, serve a legitimating role by approving the decisions and actions of the administrative staff.

The board could allow a high degree of collegiality by accepting and acting on recommendations from other parts of the system (students, faculty, support staff).

The role the board plays depends on a variety of influences. The members of the board perform in a certain manner, depending, in part, on their experience in local government or business organizations. The expectations of others within the college system also determine its role. Of these, the views of the president may be the most crucial. Only an unusual board would set aside these views for those of the faculty if they happened to be in conflict.



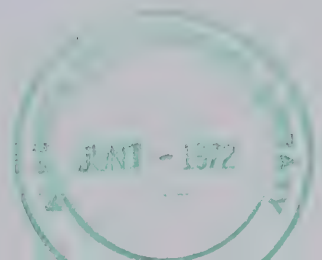
Despite the board being appointed by government rather than elected, it is likely to take its commitment to the public interest seriously. Usually the board views this commitment in terms of the exercise of financial responsibility and control. In fact, the provision of funds and facilities may be among its major preoccupations.

One of the anomalies of college government resides in this preoccupation. The myth that college boards have direct access to public funds and thereby possesses a degree of manoeuvrability in decision making derives from the history of colleges in Alberta. Under the former act, college boards had direct access to funds through the taxing powers of county, divisional and district school boards.

College boards in Alberta are now almost entirely dependent on provincial support. They are, in effect, through the Colleges Commission, agents of the provincial government in financial decision making, carrying out the province's wishes, but having little direct influence on provincial policy.

Within the financial limits imposed by the provincial policy affecting colleges, the board may establish priorities in spending. This area of decision making provides the battleground for conflicting interests within the college.

Government by consensus (the collegial model) works most effectively when funds are readily available. When financial restrictions are imposed on the board, government by consensus may be difficult to achieve. A board may be forced to govern by fiat, which is dangerous, or by negotiation and compromise which, if less







hazardous, is far from peaceful.

The attractiveness of the collegial model disappears when the college community is faced with the hard realities of group and individual conflict in the struggle for control of diminishing resources.

### The President's Role

The president's role, while indeterminate in the shifting flows of power within the college system, remains crucial. The authority of the office no matter which model you accept is great. The office is the focal point around which the internal struggle for power revolves.

The authority of the office derives from different sources. In the bureaucratic model, the office possesses the power of status. As chief executive, the president is the board's agent for giving effect to the public will within the system. The administrative hierarchy of the system exists to assist him in this task.

In the collegial system, the office assumes authority deriving from the concept of community. As a learned member of that community, the president speaks with the knowledge and experience of one steeped in its traditions. He is expected to represent the professional views of the faculty.

While the faculty may not have elected the president as its spokesman, its members expect him to interpret their aspirations. The



students, as well, expect the president to represent their interests and to be judicial in responding to the various pressures with which he is faced.

If the president can meld these two sources of authority skillfully, he performs his role with a minimum of risk. He must, however, recognize the distinctions between an authority which derives from status and one that is awarded by individuals and groups within his constituency.

If, in performing his role, he appears to lack understanding of, or to be indifferent to, the concerns of his constituency (i.e. the college community), he will lose the authority of leadership to be left only with the authority of his office.

If one examines the power the president can exert, one is impressed with its limitations. His power does not appear to be commensurate with the authority he apparently possesses.

The power of the president depends largely on his capacity to persuade. As long as he possesses the authority of leadership, he can influence others effectively. Once he has lost the confidence of his constituents, his powers of persuasion are gone.

The president may then exercise the power of status by directives, verbal and written orders, and even in some instances, by implied threats. The president has, because of his office, power over people. He can influence the careers of staff members and students in a variety of ways. Furthermore, as a member of the board and as its chief executive officer, he is in a position to influence board decisions.





In the exercise of power, he has access not only to the powers of his own office but also to those of the board. A president who enjoys the full confidence of his board can, if he so chooses, become exceedingly powerful and may appear as a threat to faculty members particularly if he no longer has their confidence.

If the president wishes to enjoy the full authority of his office, he must retain the trust of students, faculty and board. Considering the problems that have occurred over the past few years and those that may occur during the seventies, this becomes increasingly difficult.

Understandably a president may be expected to occasionally lean on the authority of status and the powers of his office. Decisions have to be made and consensus is not always possible. He may, in fact, be criticized by his board and the public if he makes decisions which are popular only with his staff.

Risks exist whether the president's approach to administration is collegial or bureaucratic. The president who persistently follows authoritarian procedures, who exercises the powers of his office more frequently than he practises the skills of leadership, who depends on legal rather than political justifications for his actions should not be surprised if extreme polarization occurs within his college.

#### The Authority and Power of the Faculty

The authority of the faculty derives from knowledge and



technical competence. The increased professionalization of university faculties in recent decades has been described by Reisman and Jencks in the Academic Revolution. This trend has tended to enhance faculty authority creating pressures for increased participation in decision making.

The ambivalence of college faculties becomes apparent when you consider the allocations of faculty authority and power. The college faculty looks to the university model in establishing its role as a professional group. College faculties insist on collegial participation in decisions relevant to their professional practice.

Faculty members wish to participate in the selection of senior administrators and request a voice in the administrative organization. This view is documented in a recent study of faculty aspirations in Alberta colleges undertaken by the Colleges Commission.

On the other hand, faculty associations in the colleges of Alberta as elsewhere are using collective bargaining procedures to a much greater degree than are their counterparts in universities. In this, they appear to be following the model set by the professional organizations in elementary and secondary schools.

Distinctions must be drawn between collegial decision making and decisions arrived at by negotiation. As indicated earlier, collegiality describes the process by which a community of scholars examines its major interests and concerns and arrives at a consensus with respect to a course of action. It involves the resolution of differences through reasoned argument. It emphasizes participation among peers.



Negotiations leading to contractual arrangements imply compromise. They take place between adversaries who press for advantage and who strive to achieve the ultimate acceptable to the other side. The contract may represent victory for one side but may not always be in the best interests of the college community.

The ambivalence in these two approaches does not seem apparent to college faculties. The faculty that demands the application of the collegial model in governance after having negotiated a contract so comprehensive as to restrict collegial decision making reveals a misunderstanding of the terms consensus and compromise.

Collective bargaining as an instrument of power is much more evident in colleges than in universities. This may be a commentary on the greater extent of collegiality in university governance. It is highly improbable, however, that this trend in colleges could be reversed by the widespread adoption of the collegial model.

Rather one might anticipate the procedures of collective bargaining to become more widely employed at all levels of public education.

Faculties generally have increased their power within the college system by a variety of means. While collective bargaining is one expression of this power, it is not the only one which faculties have used to further their special interests.

The "numbers game" is an illustration of faculty power. If the faculty can marshall 90 to 100 percent opposition to a proposal, this figure is an effective indicator of power.





Public conflict is a further example of faculty power. This may be expressed through public demonstrations or through public protests in the media. The antagonism of faculties towards individuals or policies is readily reported by the press.

The effect of confidence votes is perhaps the major illustration of faculty power. Loss of confidence in a president is a rejection of his authority. Once this lack of confidence is registered publicly it becomes questionable whether the encumbant can hold office any longer.

#### Student Authority and Power

In either the bureaucratic or collegial model, the student has little authority. In the first model, he is the person for whom the public service is performed. In the second, he is the object of the professional practice. In neither one is his role as part of the system clearly defined.

Despite this lack of authority, students have succeeded in securing considerable power within the college system.

Reisman and Jencks define the student's role as being that of client. As such, he is free to complain about services rendered. Certainly the student has in the last two years exercised the right of the client to refuse to buy.

Perhaps the student's role may be more accurately described as in pursuit of a way of life. The student contributes two years of



his life to the college; he expects the college to meet his needs as he defines them.

The expression of power varies necessarily with the issues and the setting. Whether it will continue to exert influence throughout the years is yet to be seen; given the right leadership, students can be most effective.

Public conflict or confrontation is a major source of student powers. While physical violence has apparently gone out of style, the threat of renewal is a significant force. Students are as adept as the faculty in using the media for verbal confrontation.

The students are equally facile in employing the "numbers game". Again a withdrawal of confidence by vote is a favorite device.

The long range effects of student power in colleges is difficult to anticipate. Students have demonstrated the capacity for vigorous protest against the administration. Whether they will exercise this power as a counterbalance to faculty self-interest is yet to be seen. They have proved capable of joining forces with the faculty to protest the injustices of governing boards and their senior administrators. In fact, they add considerably to faculty power in such a crusade.

### A Third Model - The Political

This description of the forces within the social system of the college refers frequently to the two models in college governance,



the bureaucratic and the collegial. A third has been proposed which may describe more accurately the realities of college operation.

This third model has been termed political. The college consists of several groups each pursuing its own interests. Each group possesses power in varying degrees. Each group uses its power to achieve its purposes. The resolution of these forces becomes the major preoccupation of college decision making.

To exist and to function in such a milieu the president must be politically adroit. The resolution of forces within a social organization is a political problem. The president must, of course, be aware of the direction of decision making. He must also be aware of what can be achieved, what is possible within his organization because politics remains "the art of the possible".

The president in this model is not a bureaucrat regulating the organization, nor a community leader seeking a collegial consensus but an adroit politician, sensitive to the forces within his institution and skilful in dealing with such pressures.

None of these three models describes accurately the college in the Alberta system. Each provides insights into the realities of college operation. All are necessary in attempting to analyse the behavior of individuals and groups in any particular college.





### CHAPTER III

#### AN INSTITUTION IN CONFLICT

Red Deer College has been described in an earlier chapter. This description lacks dynamism and fails to provide any perception of the reality of the College. This must be done through words that convey understandings, impressions and mental pictures of a college in action.

*This particular chapter is concerned with the dynamics of the institution, those forces which, through constant interaction over several months, produced tensions that could no longer be contained. The results of these tensions have been revealed perhaps not always accurately but with conviction through the Public Inquiry.*

The Inquiry extended over nine days (April 3 to 12, 1972) during which time briefs were heard, cross questioning by legal counsel and interested participants occurred and information under oath presented by many sources.

The appraisal of information about the College gathered through the Inquiry and through special studies must be undertaken against the background of theory set out in Chapter II. While general principles are useful in categorizing and evaluating established fact and hearsay, much of the evidence must be appraised in direct relationship to Red Deer College. This Report is not an appraisal of the provincial system of colleges but of the operation of one college within the system.



A major problem in the Inquiry has been to distinguish those occurrences and actions involving groups and individuals that were unique to Red Deer College. The Inquiry looked into the specific responses by groups and individuals within the College to issues that could be common to all or most other provincial colleges. Nonetheless, judgments must be made on the appropriateness of specific behavior.

In effect, the Inquiry was concerned with the operation of a particular college. Obviously, this involved people acting singly or in groups. That most of the briefs tended to focus on the behavior of the President and Vice-President may have obscured this purpose.

An appraisal of the actions of these two senior administrators was not the aim of the Inquiry, but considering the central role played by these two officials in college operation, this seemed inevitable.

At the beginning of this chapter, one is led to make certain comments. The briefs, the direction of cross questioning, and the information voluntarily presented under oath by participants in the hearings indicates rather clearly the emotional climate of the College. Choosing words with caution one can only describe the College atmosphere as one in which lack of trust and suspicion predominates.

This college society contains severe emotional tensions. Although tension is inevitable in the functioning of social organizations, too much tension could defeat the achievement of aims. It could, in fact, destroy an organization.



The purpose of this chapter is to describe an institution in conflict. This is done by referring to occurrences and issues within the College. The following paragraphs describe these occurrences and issues as they were revealed through the Public Inquiry.

### The Polarization of the College

What stands out prominently between the period from May 15, 1971, to the start of the Inquiry is the polarization that occurred within the College. Two major groups have been formed each presenting a clearly identifiable cohesiveness in view and each having its own perception of past events. Needless to say, the perceptions of the two groups are frequently contradictory.

At one extreme, one can identify the College Board and the senior administrative staff consisting of the President and Vice-President. All members of the Board including the President, but not the student and faculty representatives, present similar interpretations of events.

The Board and their administrators find themselves at this pole not by choice but by circumstance. They perceive events and interpret their reactions to these events from different perspectives than other members of the college community.

Whether by design or otherwise, the President has associated himself closely with the Board; faculty and students see him as having chosen sides. This view identifies his role performance with that described in the bureaucratic model.





The other pole is occupied by the remaining sectors of the college community. A description of each of these provides further insight into college operation.

The leadership of the Faculty Association comes predominantly from those involved with the university transfer courses. One could expect this group to be vigorous in presenting the views of those concerned with university studies. The group did, nonetheless, receive support from others representing different interests within the College.

Career programs prepare students for jobs, giving direct entry into the labor force. Red Deer College has only a limited number of such programs compared to what other provincial colleges offer.

Briefs were presented from instructors in the academic upgrading (high school studies for adults) and the nursing education programs. These briefs expressed concerns similar to those involved in university studies.

The counselling services operate independently of the instructional staff. Briefs from individual counsellors indicate this group held views consistent with those of the Faculty Association.

The non-academic or clerical support staff has recently joined the Canadian Union of Public Employees (CUPE). While the issues troubling this group differed from those dealt with by the faculty and students some of the views expressed in its brief were similar. This staff also was part of the polarization syndrome.



Finally, the very lengthy and comprehensive brief prepared and presented by representatives of the Students' Association recounted occurrences and interpreted events in sympathy with faculty presentations.

The Commissioner looked for some divergence of view among the various groups within the college community in conflict with the Board. Though different occurrences were recounted by some groups, sufficient unanimity existed to conclude that polarization was total. While the phenomenon may not be unique in social institutions, one is inclined to think otherwise. One might have expected one group at least to be neutral.

#### The Central Position of the Presidency

Another phenomenon revealed by the Inquiry is the central position occupied by the president in the college community. This confirms views on the presidency expressed in Chapter II.

Two facets of the presidential role became apparent through the many briefs dealing with the topic. One facet relates to the role assumed by the president, the other to his performance of role. Critics do not always distinguish between the definition of role and its performance. These facets are nonetheless quite distinct: one has to do with the operation of the system, the other with individual behavior.

The role of the president may be defined legally, by public



expectation, or by the expectations of others within the college system according to one or another of the following models; bureaucratic, collegial and political.

The second facet has to do with the president as a person. Irrespective of the role he chooses to perform or the role which is thrust on him by the expectations of others, how does he behave as a considerate and sensitive human being? The term "human relations" defines this area of sensitivity to the feelings of others.

Many of the briefs dealt with both the definition of the president's role and his performance of that role. In the main, the briefs dealt more with performance than with role definition.

#### Communication Within the College Society

*The problem of communication emerged as one of the major issues within the social system of the College. Chart I in Chapter II indicates the various parts of the system and the significance of interrelationships or couplings among the parts if college objectives are to be achieved.*

Communication is the major process to assure the functioning of these interrelationships. If the flow of information among the parts ceases, if misunderstandings develop, and if, as a result, hostility is created, the system becomes counterproductive, or to use a well worn cliché, "it grinds to a halt".

It is the Commissioner's view that irrespective of the opportunities that might now be created for communication between the





faculty-student and board-administration poles the process would not take place. An emotional readiness to accept messages does not exist at either extreme. Communication is impossible between persons or groups who no longer trust each other.

A marked difference in view existed between the Board and faculty as to the appropriate means of communicating.

The Board considers the faculty and student representatives in its membership (Messrs. Lalor and Lund) to be the means through which messages pass to and from the faculty and student associations, and the Board. Members of the Board pleaded unawareness of growing faculty discontent since they were not so informed by either Mr. Lalor or Mr. Lund.

Both faculty and student associations dismiss these membership connections as official links. Neither of those persons they maintain represents the associations as such. In the view of the associations, this limited representation is token rather than actual participation in college government.

Furthermore, a suspicion exists on the part of both groups (faculty and students) that the other members of the Board pay little heed to either of these representatives. This suspicion was supported by a statement from Mr. Lalor, the faculty member on the Board, during the hearings in which he complained of difficulties in gaining the attention of the Board.

The faculty as well as the students considers the president's office to be the major communication channel to the Board. If the



channel fails, the Board has no way of learning of faculty and student discontent. The major parts of the system move in isolation of each other creating solitudes which must ultimately be penetrated by extraordinary measures such as a public inquiry.

In support of this, faculty and student spokesmen cite the president's central position in the Academic Council, the legal requirement that communications from the Students' Council be transmitted to the Board through his office, and the control exercised by the president over Board agendas.

### Collegiality and Collective Bargaining

*The ambivalence within college societies on these issues has been discussed in Chapter II. The presence of this ambivalence within Red Deer College became apparent during the Inquiry.*

As a professional group, the Red Deer faculty, particularly those instructing in university studies, wish to have a voice in matters affecting the practice of their profession.

Since faculty members have a vested interest in the maintenance of courses they became alarmed when a number were to be cut. They were apprehensive about arbitrary statements on class size and proposals to increase staff-student ratios.

As a result, the faculty revealed a growing interest in financial decision making. Faculty members wonder who is spending all the money, whether too much is being squandered on administration.



They want more information on budgeting and ready access to enrolment data.

The faculty was critical of the Board and the administration for not giving them an opportunity to share in the selection of the vice-president. The faculty brief expressed strong opposition to recent changes in the administrative organization undertaken without reference to faculty views.

Reference was made frequently to collegiality, the inference being that given the opportunity to act as responsible members of the college community, the faculty would do so. Members prefer decisions arrived at by consensus rather than those thrust on them by superordinates.

Negotiations for the contract covering the two year period, September 1, 1970, to June 30, 1972, were completed in December of 1971, six months prior to the expiry date.

Apparently, negotiations created tensions within the College society leaving a legacy of ill will between faculty and board. One might be tempted to attribute the polarization described earlier to this legacy. The Commissioner considers there were many contributing factors to polarization of which the slowness in contract settlement was but one.

Nonetheless, collective bargaining does create tensions. Negotiations are based on the adversary principle and decisions result from compromise.





The conditions of work agreed upon through bargaining (e.g., overload provisions) have imposed restrictions on administrative decision making. Such restrictions would inhibit a collegial consensus as well.

The more detailed and comprehensive the contract the less freedom there is to arrive at solutions through discussion and common consent.

In which direction are colleges heading?

### The Financial Issue

One figure which predominated throughout the Inquiry thrusting its way into many discussions was the deficit for the current year in the approximate amount of a quarter of a million dollars.

The deficit was the direct result of overestimates. Colleges receive their income on the basis of the number of full time equivalent students. The college administration anticipated a FTE of 1,150; the actual figure came closer to 850.

It was unfortunate for Red Deer College that it became involved in providing second year instruction in arts and science programs leading to an undergraduate degree at a time when students appear to be losing interest in university attendance.

In the 1970-71 academic year, 57% of those students who had taken first year university transfer studies at Red Deer College elected second year studies at the College. In the 1971-72 academic



year, the percentage of those carrying on with second year studies at the College had dropped to 37%. During the same 1971-72 academic year, the number of first year transfer students also declined. Notwithstanding these enrolment depressions the College had contracted for the services of academic staff on the basis of its projected needs which proved to be in excess of its actual needs.

The college administration became aware of the financial problems early in the 1971 fall term. The Vice-President eliminated courses with small enrolments all of which were in the second year. Furthermore, he attempted to do this without employing the overload provision of the contract which would have added to instructional costs.

The administration has plans for further consolidation of courses in 1972-73. The proposal is to offer the basic courses generally in demand within each of the disciplines. Students desiring courses of limited popularity may be forced to go elsewhere.

Quite understandably faculty members have been alarmed at these restrictions. They are convinced that the administrative staff has placed the full burden of retrenchment on instruction rather than on administration, and that little is being done to attract more students.

The financial issue is becoming central to decision making in all aspects of college activity. With limited resources, colleges will find it necessary to make choices among various courses for action. Faculties will inevitably wish to influence the selection of priorities.



## CHAPTER IV

### INSTITUTIONAL ROLES

*The purpose of this section is to examine in some detail the roles played by various individuals and groups within the college society. This examination is based on information contained in the briefs, evidence submitted under oath and responses to questions posed by counsel and other participants in the hearings.*

#### The College Board

The Commissioner would like to express to the Red Deer Board his appreciation for what its members contributed during their term of office. Service on public boards is demanding and the rewards are few. The many hours board members have devoted to the tasks of governance of Red Deer College are evidence of their concern for the future of the college.

The Commissioner disagrees with views expressed in the students' brief that board members should be drawn from a particular group in society. The qualities of good citizenship are not limited to those who have gone to university or college. One does not need to have attended an institution to make sound judgments on its operation. Common sense is the most useful asset. Little or no correlation exists between common sense and years of schooling.

The Commissioner would like to express regrets for the





personal references to Mr. Donnelly, Dr. Hay and Mr. Haize that appeared in the students' brief. Such statements are the regrettable outcomes of a public inquiry.

And finally, a word of praise for Mrs. R.V. McCullough. Her tireless patience in attending most sessions of the hearings and the spirited courage she displayed defending the board in the face of bitter criticism were most admirable.

Two points of comment on board operation: One finds it most puzzling to understand why the board did not become aware of the depth of faculty and student discontent.

College '71 and the "hot seat" luncheon both were intended to convey student and faculty dissatisfaction. Why the board did not follow up these meetings with action to uncover the sources of this discontent is difficult to understand.

One is struck as well with the procedural ineptness of board operation over an extended period of time. This was brilliantly documented in the Students' Association brief.

The Commissioner sought legal opinion on whether the board in voting on resolutions had failed to observe Section 34 (2) of The Colleges Act. The opinion (see Appendix C) supports the view that a resolution is not valid unless the majority of those present vote for it. It cannot be carried if it receives only a majority of those who actually vote. If this opinion were to be upheld by the courts many of the major decisions of the board over the last year might not have legal validity. The leadership of the board is affected by this possibility.



The failure of the board to react to the climate within the college society or to communicate effectively with students and faculty has contributed to the present "crisis in confidence".

It will be most difficult for any board to deal with this "crisis in confidence". It is highly unlikely that a board partly responsible for the crisis will be able to do so.

### The President

Many briefs, both individual and group, focussed on Dr. Eastman, the President of Red Deer College. That Dr. Eastman received so much attention during the inquiry is regrettable but understandable. The role of president is central to college operation. Most of the briefs and public statements reflected on how Dr. Eastman defined and performed his role.

Undoubtedly, Dr. Eastman saw the role of president as being that of the senior executive in an administrative hierarchy appointed to carry out the will of the board. This concept appears to be similar to that described in the bureaucratic model.

This is borne out by several actions taken by Dr. Eastman in the period from May 1971 to March 1972.

The appointment of Dr. PETERS as vice-president and the subsequent administrative reorganization are illustrative of actions which ignore faculty interest and concern.



No selection committee was established to deal with the appointment of a vice-president. And, after the arrival of Dr. Piters, Dr. Eastman reorganized the administration and put Dr. Piters in charge of the academic faculty, without consultation with the staff, despite faculty concern about any such changes.

Evidence indicates that Dr. Eastman was responsible for withholding information on enrolments with a view to informing the board ahead of other groups in the college community.

Dr. Eastman's leadership of academic council does not reveal any interest in or understanding of the council's role in faculty decision making. He was apparently impatient with the slow process by which the council reached consensus.

From the viewpoint of faculty the bureaucratic model may not be the most desirable for a president to follow; it is nonetheless acceptable. Most criticisms, however, were levelled at Dr. Eastman's personal behavior, his performance of role.

Dr. Eastman in his treatment of others was frequently uncivil and his language often intemperate. The briefs and statements presented by Messrs. Der, Richards, Chen, Fontaine, Gerwing and the Faculty Association among others give ample evidence of this.

To be uncivil to one's peers is regrettable; to be uncivil to one's subordinates is unforgivable.

If Dr. Eastman chose to define his role as that of the senior bureaucrat in an administrative hierarchy, this would present problems



in performance considering the pressures for faculty participation in decision-making, but it should not be impossible. The role however must be performed with courtesy and through the practice of effective human relations.

Dr. Eastman by alienating many of his subordinates contributed to the "crisis in confidence", which was ultimately revealed through the faculty vote of non-confidence.

Having now lost irrevocably the confidence of his faculty, Dr. Eastman would have difficulty regaining it, even if he chose to alter his administrative style and behaviour.

### The Faculty

Many problems face Red Deer College if it is to resolve its difficulties and regain the high regard of the community it has enjoyed in the past.

One of the issues is the problem of finance. Red Deer College cannot continue to provide university studies of the first two years at the current costs. The figure of approximately \$2,300 per student exceeds the provincial average for undergraduate studies by several hundred dollars. This in itself is not a serious problem. The situation is compounded when, because of dropping enrolments and a general tightening of the money supply, the funds available for college operation are being restricted.

One does not need to be an economist to define the problem.





To become more effective with fewer resources simply means that the faculty must achieve increased productivity--either increase the number of students per class or decrease the number of staff.

The Commissioner agrees with the views expressed in at least two briefs that administration costs, considering the size of the college, are excessive. Recommendations on this will be made in another section. But the savings effected will not reduce costs sufficiently to have any marked effect on the student cost figure. The solution to the problem still depends on the efficient use of instructional resources.

Another problem facing the administration and faculty of the Red Deer College is to exploit more fully the natural advantages of the small college. This means flexibility in governance, administration and instruction and a spirit of innovation that is not yet apparent in Red Deer College.

The college has followed almost slavishly the University of Alberta model. This is not surprising when one considers how dependent the college is on the university as an outlet for the graduates of its transfer programs. Nonetheless, to imitate in so many ways the practices of a large multiversity is hardly the role for a college purporting to meet the total post-secondary needs of a smaller community and occupying a central position in the community's societal life.

The college has been so intent on developing the university



transfer programs that it has failed to expand the career programs significantly. These services appear inadequate compared to those in other provincial colleges. Yet for the next two to five years this sector will in all probability be the expanding frontier for college development.

Can the Red Deer faculty meet these challenges? This is a difficult question to answer, one that in the end can only be answered by the faculty itself. Certainly the faculty cannot respond rationally to any challenge within the existing college climate.

Some briefs reflected a rational and positive approach. Such briefs as those presented by Drs. Watkins, Robertson and Messrs. Finn and North are illustrative. The briefs on finance, while seeking to support a position, were nonetheless precise and objective in development. These contributed substantially to the hearings.

The briefs from the staff concerned with academic upgrading and the staff employed in nursing education indicated the strength that could be added to the college faculty through the expansion of career programs.

Undoubtedly many faculty members, given full information on the financial problems of the college, would react with good sense and would place the long term interests of the college above immediate personal advantage. If post-secondary education is to enjoy continued support from an increasingly critical public, it will require this type of faculty leadership.



On the other hand, many of the briefs were querulous and complaining in tone. While the cumulative effect of several briefs dealing largely with the behavior of two officials could not be anticipated, the Commissioner found this repetitive detailing of administrative sins to be most dispiriting.

It is essential, in the Commissioner's view, to single out the brief of one faculty member for comment. Mr. Farthing reviewed the events of his suspension and removal from the chairmanship of arts in detail. One full morning was spent on his brief.

The Commissioner does not propose to comment on the legal technicalities of Mr. Farthing's suspension and removal from office. An examination of the evidence leads one to conclude that Mr. Farthing's treatment by the committee established to review his case was fair. In the Commissioner's view Mr. Farthing's actions as a college administrator were unacceptable.

The public inquiry provided a forum for further display of the faculty power described in Chapter II, that of public conflict or confrontation. This first appeared in the press; the inquiry increased the range of public viewing.

Time alone will reveal whether through the use of this power, the faculty improved college functioning. Given the course of events over the past year, this exercise of faculty power was inevitable. However, as Lord Acton pointed out many decades ago, power is a two edged instrument.





Those who wish Red Deer College well can only hope that faculty members take Lord Acton's words seriously.

### The Students

It is difficult to identify Red Deer College students except in the general sense as in Chapter II. Demographic data are available. The City of Red Deer is a commercial centre serving an extended rural area with a population of over 100,000 people. As such, the city emphasizes business and professional services.

To employ sociological and economic descriptors, the Red Deer community is predominately white, Anglo-Saxon and Protestant. Family income is high, little or no poverty exists, the middle and upper middle class constitute the majority. The economy of the region is based almost entirely on substantial farming enterprises.

This explains in part the emphasis on university studies. Students are generally more interested in continuing general studies or in following routes leading to the professions. The proportion of students who were in the top ten percent of their high school class is high in this college.

This does not deny the need for career programs. The college, nonetheless, reflecting the aspirations of middle and upper middle income groups, has a program design which gives it the appearance of an undergraduate degree granting institution. Actually, it falls short of degree granting status by only one year of instruction.



Most of the students are from homes with middle and upper middle incomes, located in or near the city of Red Deer. Many have attended university classes elsewhere and have sought in the Red Deer College the support they were unable to find in the large undergraduate classes of the multiversities.

If it were possible to describe a student body in a brief statement they, like other undergraduates from privileged homes are concerned with social issues, and not driven to achieve immediate vocational competence.

The brief presented by the students reflected these interests and indicated an outstanding competency in linguistic skills. It was a conservative document making use of all the devices that lead to acceptance in the Red Deer community. It was, in fact, better balanced and more rational than several of the briefs presented by members of the faculty.



## CHAPTER V

### CONCOMITANT ISSUES

*This chapter deals with issues which if not central are significant to the operation of Red Deer College. The Commissioner considers them significant in any review of the system's operation.*

#### Administration

While references were made to the administrative organization of the College throughout the Public Inquiry no specific recommendations were presented to the Commissioner. A statement was made and documented that increased administrative expenditures had contributed to the financial problems of the College.

The influence of the university model is nowhere so obvious as in the administrative organization set up to carry on the affairs of a college with a faculty of fewer than eighty persons and an enrolment of about eight hundred students.

The description of the administrative organization in Chapter I indicates the variety of officials employed to keep the college in operation. This structure could serve a university or college four times the size of Red Deer College.

The following principles should prove useful in designing



an administrative organization appropriate to the actual student enrolment and size of the faculty.

1. An administrative organization should be exceedingly lean. Administration is a necessary but unproductive process. The principle of parsimony should apply in creating new positions.
2. The administrative organization should be flat. Vertical hierarchies are necessary only when the institution grows beyond certain limits. The push for hierarchical line should come only from below and should derive from numbers in the student body and in the faculty.
3. Administrative decision making should occur close to where the task is being performed. This means rigorous decentralization of the decision making process.
4. The administrator's duties should be clearly defined. He should be held responsible for and given full support in the execution of those duties.
5. The use of disappearing task forces may be more effective than maintaining standing committees. The disappearing task force is an ad hoc committee representative of staff and students established by random choice for a specific purpose. When the purpose has been achieved the task force disappears.

Following these principles, the following organization is proposed:





PRESIDENT

<u>Dean of University Studies</u>	<u>Dean of Career and Interest Programs</u>	<u>Counselling Services</u>	<u>Library Services</u>	<u>Registrar</u>	<u>Bursar</u>
All transfer courses including evening credit	All career and special inter- est programs. All community outreach programs	As formerly	As formerly	Student records	Finances

Under this proposal, two major posts become redundant--that of Vice-President and that of Director of Continuing Education.

The removal of the position of Vice-President conforms with at least three principles--the flattening of the administrative organization, the achievement of a leaner structure, and the allocation of administrative authority close to the task.

If Red Deer College achieves an enrolment of at least 2,000 students, a vice-president may be necessary. Until that time the flat organization is much more desirable.

The removal of the Department of Continuing Education, making the position of Director redundant, is not intended to downgrade this service but to enhance it. Continuing education is so important that it should be considered the responsibility of the total college staff. Integration of this service with the regular work of the College is the best way of achieving this.

No distinction should exist between evening credit and day programs. A faculty member in university studies may be called upon



to teach at any time from eight in the morning until nine o'clock at night. Furthermore, with recognition for travelling, he may be expected to perform this service in Red Deer or at a campus some distance away.

The Dean of University Studies may find it most profitable and useful to provide general education courses through the disciplines for both day and evening students. These might be taken for purposes other than university transfer.

With respect to career and interest programs, the College should push into the community in a variety of ways. The Dean of Programs should accept as one of his responsibilities the integration of outreach services with the programs developed in his division.

These two senior administrators, both reporting directly to the President, have been named on the chart as Dean of University Studies and Dean of Programs.

The Dean of University Studies is comparable to the Dean of Arts and Science, a position which the University of Alberta maintained until it was approaching an enrolment of 10,000 students.

The close identity of many disciplines within one unit conforms with college practice throughout North America and the United Kingdom. An obvious outcome of this relationship is the possibility for interdisciplinary studies.

The Dean should be expected to carry an instructional load of perhaps three hours per week. He would be considered a faculty member carrying administrative duties as part of his total load. He should be assigned all administrative problems related to the operation



of university studies. He should work with staff and students to make the most effective use of instructional resources within the budget he has been allocated.

The Dean of Career and Interest Programs should have equal status in the College to the Dean of University Studies. His duties would, of course, differ.

The organization and direction of all one and two year career programs would come under his purview. He should, through advisory committees chosen from the immediate community of Red Deer and the wider community of the province, explore the possibilities of new programs which might meet the needs of students interested in achieving immediate vocational competence.

This senior official should have the opportunity to travel within the province and across Canada and United States. He should become aware of the many ways in which colleges are using the resources of the community to relate practical training and theoretical studies.

This official ought to explore new avenues into the community, through special interest courses of varying length and through seminars, lectures and displays.

Colleges are now using technically trained persons called program developers or curriculum specialists to good effect. The Dean of Programs may find such a person useful on his staff. This person should be skilled in gathering data and preparing descriptive statements on proposed programs. The College may find it desirable to encourage





a staff member to take special training for such a post. Innovations must, however, remain the collective responsibility of the total staff.

These proposals for reorganization are not without fault. Changes in administrative structure do not guarantee better internal relations; neither do they necessarily achieve improved relations with the community. This depends on the people involved.

Furthermore, Red Deer College has been lectured for years about the need for more career programs without much effect. The Commissioner is not so naive as to believe that an additional lecture through the medium of a Public Inquiry is likely to have any greater success.

On the other hand, the proposals for administrative reorganization do have merit at this time. These are some of the advantages:

1. *The proposals eliminate at least one senior post, that of Vice-President. This office has contributed little to the administration of the College. It has merely extended the line of communication between the faculty (administrators and instructors) and the President and Board, a line that is quite unnecessary considering the size of the College.*
2. *The proposals eliminate the senior post of Director of Continuing Education distributing his duties between the offices of the Dean of University Studies and the Dean of Programs.*



The proposal suggests that college faculty assume responsibility for educational services to all age groups and that continuing education becomes a commitment of the total College including the Registrar and the Bursar.

The proposal, if accepted and acted upon vigorously, might place the College on the cutting edge of change in community outreach.

3. The proposals create one new position, Dean of Programs, giving this division of the College direct leadership which it appears to have lacked hitherto. In view of the changing interests of students, the College should expand its efforts in this direction.
4. The proposals place in one office all administrative matters related to university studies recognizing thereby the close identity of interest among the arts and the sciences.

The major challenge in university studies is to establish the viability of second year courses. The problem is complex involving the economical use of instructional resources, more flexible affiliation agreements and new approaches to learning.

Second year university transfer studies must and probably can be established on a firm basis. This will probably take five years to achieve at which time the matter of the third and final year might be considered.



## Open Budgeting

The college budget is an instrument of control over college activities. It dictates the establishment of new programs and either limits or enhances the growth of those already in existence. It determines whether more or fewer people will be employed by the college, whether materials will be increased, and whether furniture and furnishings will be improved.

He who shapes the budget exercises power. If it is shaped behind closed doors, it becomes a menacing document for those who are affected by it.

On the other hand, the budget can be a planning instrument. If it is projected over a three year to five year period, the budget can provide new approaches to planning. Yearly budgets tend to react to pressures; budgets of longer duration could reflect priority decisions.

Despite budget difficulties, universities and colleges are moving towards open budgeting procedures. This means that during the budget development phase full information to all concerned should be available on projected income and possible expenditures for various programs.

If open budgeting is to be achieved, college administrators will need to define programs carefully and provide accurate information on program expenditures.

The major difficulty is not in program definition but in .



allocating expenditures to specific programs. If a person contributes his time to more than one program how are expenditures to be apportioned? How much time to this program, how much to that one?

To avoid this difficulty, programs should be defined as broadly as possible so that allocations of staff members' time is totally within one program.

One is able, in the proposed administrative organization for the College, to identify expenditure nodes which might be expanded to programs. University studies is one expenditure area; career programs another; community outreach including special interest programs, seminars, short courses, etc. a third; counselling services, a fourth; library services, a fifth; and central administration, a sixth.

Each expenditure node should receive its own budget allocation. If career programs, for instance, request the services from someone employed in university studies it purchases the time of this person from the university program. If the faculty member is carrying a full load then overload applies and the remuneration would go directly to the instructor.

*This is one approach to an open budget which may or may not be effective.*

The Commissioner holds, nonetheless, that the College should move in the direction of open budgeting and that the only way to achieve this is through the identification of programs and, at the same time, making it generally known how much money is being spent on each program.





Final decisions on expenditures must be made by college administrators and boards of governors. These decisions must be made, nonetheless, with the full knowledge of all concerned. Budgeting under such circumstances may be exceedingly difficult, but surely not as hazardous as budgeting behind closed doors.

#### University Affiliation

For colleges providing university transfer courses, the issues of affiliation are highly significant. A college emphasizing university studies to the extent that Red Deer does is understandably preoccupied with the conditions governing the transfer of its graduates to various university faculties.

Red Deer College depends almost entirely on the University of Alberta to provide continuing education for its university transfer students. The courses listed in its calendar are similar to those offered by the University of Alberta in title, content, and weekly hours of instruction. The requirements of the various faculties dictate the programs of students in their first and second years.

The University of Alberta through a document prepared by its Colleges Committee provides guidelines for colleges to assure that transfers of credits take place with a minimum of difficulty. The document is in reality a contract with certain conditions relating to tenure, sabbatical leave, class loads and instructor qualifications constituting its substantive features.



From one point of view, the colleges pay dearly for the privileges of offering transfer courses. They forego a wide measure of self government if they adhere strictly to the conditions set out in the document. They may be forced to institute policies, particularly those applying to class loads and instructor qualifications, which are not always adhered to by the receiving institution.

It can be argued that these are not intended as requirements but as guidelines that any college might be expected to follow if it is to provide good instruction in university studies. This is a particularly valid argument when, as in the case of Red Deer, the contract has not yet been signed.

On the other hand, colleges view these as requirements whether a contract has been formally acknowledged or not. They cannot afford to have the credits of any student rejected by a receiving university.

An illustration of the impact of these requirements was revealed during the Inquiry. Despite the fact that the Red Deer College Tenure Committee had recommended tenure for three instructors, the College Board refused to grant tenure on the grounds that these persons had failed to meet the requirements of the University of Alberta for instructing in university courses, these being a master's degree for first year and admission to the doctoral candidacy for the second.

The reverse side of the coin must also be examined. Permission to present the second year of a pass degree in arts means that



ten of fifteen courses leading to the Bachelor of Arts are taken on a campus other than that of the University of Alberta. University authorities are understandably zealous in imposing requirements which, in their view, provide some guarantee of quality. These have to do with faculty and such other resources as laboratories and libraries.

A measure of institutional autonomy is important to universities; it is equally important to colleges. Alberta universities have not yet shown the confidence in colleges which reflects trust in their faculties and administrators to do an effective job without excessive regulation.

On the other hand, college faculties have made little attempt to exploit the natural advantages of the small college through curricular and instructional innovations. Nor has there been any direct protest against university regulations. The powers of college faculties have not been pointed in this direction.

The issues of affiliation need clarification. As indicated, one problem resides in the three year degree. A much wider measure of freedom could probably be achieved if colleges were content to limit their transfer courses to the first two years of the four year undergraduate degree. This may not be, however, a good solution politically.

The Commissioner sees this affiliation problem as likely to continue unless the colleges and universities readdress themselves to the question with diligence and mutual respect and good will. It may be that ultimately a solution will have to be legislated. The





Commissioner does not propose this as a solution, however. He suggests that Red Deer College seek further clarification of the requirements set by the University of Alberta and that, through better communication, increasing confidence in the college on the part of the university will lead to fewer restrictions and greater local autonomy.



## CHAPTER VI

### CONCLUSIONS AND RECOMMENDATIONS

One conclusion about Red Deer College is inevitable. The degree of conflict within its system has reached a level which, if it continues, may prove destructive.

A second conclusion is obvious. The conflict will not subside if no change occurs within the system. A change of personalities might help but this would alone not be sufficient to provide the fresh start the College desperately needs.

Time is required to ease tensions, to solve immediate problems and to examine possible directions for change. The events of the past several months should exert positive as well as negative influences on college operation. The process of overcoming malaise should leave the College better able to withstand future shock.

The Commissioner considers a year at least is needed to decrease tension and restore a reasonable degree of trust to the College.

*Accordingly the Commissioner recommends to the Minister of Advanced Education that for at least a year the affairs of the College be placed in the charge of an Administrator. For this period, the Administrator should be given all the powers granted to college boards under The Colleges Act of 1969.*

*The Commissioner recommends further that the Administrator*



*act as President of the College as well during his term of office, making the present position of President redundant.*

This will mean enacting special legislation granting the Lieutenant Governor in Council the power to appoint such an Administrator for a stated period of time. Sections 32 and 45 (2) of The Colleges Act would not apply in the case of a college for which an administrator is being appointed.

*The Commissioner recommends to the Minister of Advanced Education that the appropriate legislation making possible the appointment of an Administrator for Red Deer College be enacted.*

The Administrator will be faced with problems some of which have been identified and discussed in this Report. Others will derive from the day to day operation of the College. The Commissioner proposes to review those which he particularly wishes to refer to the Administrator's attention.

The issue of governance is major. At the end of the Administrator's period in office, he will be expected to recommend to the Minister of Advanced Education how the College shall be governed, these recommendations to be arrived at through study and discussion with faculty, students and representatives of the public. Possible proposals are such as these:

1. To restore present governing structures involving a college board made up predominantly of members drawn from the general public enjoying all the powers that boards currently hold. Legislation applicable to all



other colleges within the provincial system would apply to Red Deer.

2. To establish for Red Deer, either through legislative enactment or through an Order-in-Council, methods of governance which differ from those of other colleges.

This second alternative might take one of two directions.

A Board of Governors could be retained similar to the present structure but with more limited powers. The status of the Academic Council might be changed by giving it powers it does not now possess. Curriculum and student affairs are matters with which the Council might deal. This would make the Academic Council comparable in stature to the general faculties council of Alberta universities or to the senate of universities in other provinces.

A second direction, which the Commissioner favors, is towards a unicameral organization. This could be achieved by creating a Governing Council with representation for all groups--public, students, faculty, support staff and administration.

In the Commissioner's view, the public, faculty and students should be equally represented. Further, the size of the Council should not exceed 18 to 20 members. The governing council in a small college should serve as both a legislative and executive body although some type of executive committee may be necessary.





The Council Chairman might be chosen by popular vote from the membership. The President of the College should be a member of the Council as well as its chief executive officer but he should not be its Chairman.

In effect, one could say that the proposal eliminates the College's existing Academic Council. Instead, the Board of Governors would be expanded to include more balanced representations of students and faculty. This Governing Council, a structure which should result in improved communication among the major groups in the college society, would assume final responsibility for all academic and financial decision making.

The present Academic Council, with the addition of several members from the general public, could be reconstituted to serve as an Advisory Committee to the Administrator during his term of office. One of its tasks could be this issue of governance. From its participation in policy discussions and from the reported experiences of other institutions now adopting unicameral government, the reconstituted Academic Council and the Administrator might agree that a Governing Council should play a dual role in curriculum and business management.

This Governing Council could provide the "fresh start" Red Deer College needs.

Accordingly, the Commissioner recommends that:

*A term of reference in the Administrator's appointment be the task of advising the Minister of Advanced Education on the type of government for Red Deer College following his term of office.*



Legislation be enacted to facilitate the establishment of different governing structures for Red Deer College, if these are deemed desirable.

This Report in an earlier chapter has discussed a proposed administrative reorganization of the College to achieve a flatter and leaner structure with decision making located closer to where tasks are undertaken.

The Commissioner recommends that a Dean of University Studies and a Dean of Programs with duties as outlined be appointed by the Administrator very early in his term of office.

The Commissioner recommends further that the Administrator declare the position of Vice-President redundant as soon as he deems it convenient.

The Report discusses at some length a different approach to the organization of continuing education. It stresses the need for integrating community outreach services with the College's regular or day programs.

The Commissioner recommends the position of Director of Continuing Education be declared redundant and that the duties of this office be divided between the Dean of University Studies and the Dean of Programs.

The Commissioner recommends that the Administrator immediately on his appointment explore with the parties concerned the termination of all contracts of the positions declared redundant on a just and equitable basis.



*The Commissioner recommends that shortly after his appointment the Administrator establish a search and selection committee for a president to assume office with the restoration of college self-government. The criteria for selection will in part be determined by the views of the reconstituted Academic Council on the direction to be taken in government.*

If the direction for which the Commissioner has expressed favor is chosen, a special type of person will be required. The appointee should be prepared to accept the collegial model in role definition. At the same time, he should be capable of operating within the restrictions of the political model.

The report has discussed open budgeting in Chapter V as a means of involving the faculty in planning. This recommendation derives from the views expressed.

*The Commissioner recommends that the Administrator explore the possibilities of instituting procedures of program identification and accounting with a view to following the practice of open budgeting.*

Collective bargaining will be one issue for consideration in any proposal for college government. The adversaries under present arrangements are the college boards and the college faculty associations. The board, since its membership is drawn predominantly from the general public, can be deemed to represent the public interest. The faculty association is obviously capable of voicing the concerns of its membership.

Two comments on current practices are germane. While college boards are capable of interpreting the public interest, their freedom to arrive at binding contracts with faculties is more apparent than real.





The fulfillment of a negotiated contract is subject to the board receiving sufficient income from government through the Colleges Commission to meet the financial obligations established through negotiation. Negotiating could prove pointless if this did not occur.

The second comment derives from what the Inquiry revealed. The strains within a college society deriving from extended and bitter negotiations are great. Reference to such strains was made earlier in the Report. It is questionable whether a small college can absorb the tensions of bargaining without some serious consequence.

The negotiating adversaries within Red Deer College, having signed the current contract for the years 1970 to 1972 in December of 1971, are now facing negotiations for a contract covering the subsequent two year period. These negotiations can be completed between the Administrator and the Faculty Association. No change is necessary during his term of office.

If a Governing Council is to be established for Red Deer College, the issue of bargaining must first be resolved. It may not be, or at least appear to be, in the public interest for negotiations on salary and conditions of work to occur between a faculty association and a governing body, a third of whose membership will be drawn from the college faculty. For the Faculty Association to bargain only with the public representatives on the Governing Council might lead to even greater strain than occurs under present arrangements.

Other procedures for contract negotiation should be examined by the reconstituted Academic Council and the Administrator. One



procedure which the Commissioner favors is for the Faculty Association to negotiate with an outside body such as the Colleges Commission. This type of contractual negotiation would recognize the realities of financial decision making and might prove much less disturbing of relationships within the college society.

While the Commissioner is avoiding recommendations related to the total college system, it may be that in examining bargaining issues for Red Deer directions will be charted for other colleges as well.

With respect to the collective agreement between the College and its faculty, the Commissioner recommends that:

*Negotiations implemented by the present College Board and the Faculty Association for the years 1972 to 1974 should be carried on by the Faculty Association and the Administrator.*

*Study should be made and proposals developed for the consideration of government on bargaining procedures to be followed by Red Deer College consistent with proposed experiments in college government.*

*The Commissioner recommends that the Minister of Advanced Education, if he accepts the proposal to appoint an Administrator, express the appreciation of government for the public service which the present Red Deer College Board has rendered to the College, the Red Deer community and the province.*



## SUMMARY OF RECOMMENDATIONS

RECOMMENDATIONS  
DEALING WITH  
THE APPOINTMENT  
OF AN  
ADMINISTRATOR  
FOR  
RED DEER COLLEGE

The Commissioner recommends to the Minister  
of Advanced Education that:

- I. *For at least a year, the affairs of the College be placed in the hands of an Administrator. For this period, the Administrator should be given all the powers granted to a college board under The Colleges Act of 1969.*
- II. *The Administrator act as President of the College as well during his term of office making the present position of president redundant.*
- III. *Appropriate legislation making possible the appointment of an Administrator for Red Deer College be enacted.*
- IV. *One term of reference in the Administrator's appointment be the task of advising the Minister of Advanced Education on the type of government for Red Deer College following his (the Administrator's) term of office.*
- V. *Legislation be enacted to facilitate the establishment of different governing structures for Red Deer College if these are deemed desirable.*



RECOMMENDATIONS  
DEALING WITH  
CHANGES IN THE  
ADMINISTRATIVE  
STRUCTURE

The Commissioner recommends for the consideration of the Administrator that:

- VI. *A Dean of University Studies and a Dean of Programs with duties as outlined in the Report be appointed very early in his term of office.*
- VII. *The Administrator declare the position of vice-president redundant as soon as he deems it convenient.*
- VIII. *The Administrator declare the position of Director of Continuing Education redundant and that duties of this office be divided between the Dean of University Studies and the Dean of Programs.*
- IX. *The Administrator immediately on his appointment explore with the parties concerned the termination of all contracts of positions declared redundant on a just and equitable basis.*
- X. *The Administrator shortly after his appointment establish a search and selection committee for a president to assume office with the restoration of college self-government. The criteria for selection should be determined by the views of the*





*reconstituted Academic Council on the direction to be taken in government.*

- XI. *The Administrator should explore the possibilities of instituting procedures of program identification and accounting with a view to following the practices of open budgeting.*

RECOMMENDATIONS  
WITH RESPECT TO  
CONTRACT  
NEGOTIATIONS

The Commissioner recommends to the Minister of Advanced Education and to the Administrator that:

- XII. *Negotiations implemented by the present College Board and the Faculty Association for the years 1972-1974 should be carried on by the Faculty Association and the Administrator.*
- XIII. *Study should be made and proposals developed for the consideration of government on bargaining procedures to be followed by Red Deer College consistent with proposed experiments in college government.*



Finally, the Commissioner recommends that:

- XIV. *The Minister of Advanced Education express the appreciation of government for the public service which the present Red Deer College Board has rendered to the College, the Red Deer community and the province.*



RED DEER COLLEGE INQUIRY  
Appendix A

Chronological Résumé of the Proceedings of the Inquiry

Following hereunder is a brief chronological résumé of the proceedings of the Red Deer College Inquiry.

March 7, 1972

The Honourable the Minister of Advanced Education announced to the Legislative Assembly the Government's intention to appoint a public inquiry into the affairs of Red Deer College under the provisions of the Public Inquiries Act and that Dr. T.C. Byrne, President of Athabasca University, had agreed to serve as a one man commission.

March 10, 1972

Dr. Byrne, Mr. Peter Power, legal counsel to the Inquiry and Mr. L. Hughes, secretary to the Inquiry met with representatives of the Red Deer College Board of Governors, Faculty Association, Students' Association, Senior Administration and local 1445 of the Canadian Union of Public Employees. Consensus was reached on a number of points including:

- i) The question of "openness" of the hearings
- ii) The nature and scope of submissions to the Inquiry
- iii) A timetable for the preparation, circulation and delivery of group and individual briefs.  
(see March 17, 1972 letter in correspondence file)

March 18 & March 22, 1972

Advertisements announcing the Inquiry and inviting individual submissions were placed in the Red Deer Advocate (March 18, 1972) and the Ad-Viser (March 22, 1972).

March 21, 1972

Orders-in-Council 427/72 and 428/72 enabling the Red Deer College Inquiry were approved and ordered by the Executive Council.



March 27, 1972

All briefs prepared by recognized groups of Red Deer College, that is those groups represented at the meeting of March 10, 1972, were received by the Commission in Edmonton.

March 27, 1972

All group briefs were reproduced and circulated among the various groups.

March 10 - April 3, 1972

Documents relative to the operation of Red Deer College, newspaper articles, minute books, calendars, auditor's reports and various other items were studied by the Commissioner and his staff.

During the same period arrangements were made concerning the physical location of the Inquiry (the Camille J. Lerouge Collegiate, 42A Avenue at 55th Street in the City of Red Deer). Arrangements were also made with radio station CKRD for the taping of the hearings and a full audio record of the proceedings of the Inquiry has been preserved (see Appendix B).

April 3, 1972

Public hearings of the Red Deer College Inquiry commenced at 9:00 a.m. at the Camille J. Lerouge Collegiate and adjourned at 4:55 p.m.

The submission of the Red Deer College Students' Association was received.

April 4, 1972

Hearings commenced at 9:00 a.m. and adjourned at 8:50 p.m.

Submissions were received from:

the Red Deer College Board of Governors  
the Nursing Department  
Mr. George Bedirian  
Mr. Clark A. Reed





April 5, 1972

Hearings commenced at 9:00 a.m. and adjourned at 9:40 p.m.

Submissions were received from:

the Red Deer College Faculty Association  
Mrs. Michaels and Messrs. Graff, Neufeld, Wold  
Mr. V.E. Schneider

April 6, 1972

Hearings commenced at 9:00 a.m. and adjourned at 10:30 p.m.

Submissions were received from:

the Red Deer College Senior Administration  
Mr. John Fontaine  
Mr. C.H. Campbell  
Dr Mr. Don Watkins  
Mr. Masao R.Y. Chen

April 7, 1972

Hearings commenced at 9:00 a.m. and adjourned at 9:25 p.m.

Submissions were received from:

Local 1445 Canadian Union of Public Employees  
Mr. V. Richards  
Mr. G.B. Hooge  
Mr. Ronald E. Prokosch  
Mr. M. Prime  
Mrs. Eileen Taylor  
Mr. G. Kodish  
Mr. Larry Zoakypny

April 8, 1972

Hearings commenced at 9:00 a.m. and adjourned at 12:30 p.m.

A submission was received from Mr. G. Farthing.

April 10, 1972

The location of the Inquiry changed from the Camille J. Lerouge



Collegiate to the Western Salon D of the Capri Motor Hotel. (The number of submissions made it imperative to extend the hearings beyond April 8 and it was not possible to continue at the Collegiate because students were returning to classes after Easter vacation.)

Hearings commenced at 9:00 a.m. and adjourned at 9:15 p.m.

Submissions were received from:

Miss S. Tretiak  
Mr. A. James Gerwing  
Mr. Cor Ouwerkerk  
Mr. W.F. Finn  
Messrs. B.R. McDonald and R.A. Yackulic  
Mr. R.A. North  
Mr. S.G. Bachynsky  
Mr. Jack Mounce  
Mr. Albert Schmidt (read by Mr. Armstrong)  
Mr. B.R. McDonald  
Mr. M. Estabrooks

#### April 11, 1972

Hearings commenced at 9:00 a.m. and adjourned at 12:03 p.m.

Submissions were received from:

Mr. J.A. Prodfoot  
Mr. Norman L. McLeod  
Mr. Mel Delaney  
Mr. D.K. Robertson  
Mr. Craig Spenser  
Mr. Scott W. Munroe  
Mr. G. Fabris

#### April 12, 1972

Hearings commenced at 9:00 a.m. and concluded at 12:00 noon.

Submissions were received from:

Mr. Paul Jenson  
Mr. M.D. Coleman  
The City of Red Deer



April 13 - May 11, 1972

Additional relevant data and information was solicited by the Commissioner.

Certain matters raised during the public hearings were investigated including a survey of the financial affairs of Red Deer College.

Informal meetings were held with various interested and knowledgeable persons.

May 11, 1972

The Report of the Red Deer College Inquiry was presented to the Chairman of the Executive Council.



RED DEER COLLEGE INQUIRY  
Appendix B

Records of the Inquiry

- 1 - A complete audio record of the public hearings of the Inquiry exists on 15 professional recording tapes. These tapes have been presented to the Executive Council with this report.
- 2 - Forty-four briefs were read into the record at the public hearings and these submissions, individually bound, have also been presented to the Executive Council with this report.
- 3 - Correspondence and miscellaneous submissions have been bound into a single volume which has also been presented to the Executive Council with this report.
- 4 - A volume of clippings from the Red Deer Advocate covering the period January to May 1972 has also been presented to the Executive Council with this report.
- 5 - The listings in Appendix D, A Partial Listing of Informational Sources and Bibliographic Material Used in the Red Deer College Inquiry March - May 1972 have, where possible, been returned to the authors or sponsoring organizations and would likely be available upon request to individuals with a legitimate interest.





RED DEER COLLEGE INQUIRY  
Appendix C

Legal Advice

On several occasions during the Red Deer College Inquiry, the Commissioner requested advice of a legal nature and several opinions were given by Mr. Peter Power. These opinions were usually circulated and generally evoked additional comment or advice from Mr. J. Beames, legal counsel to the Board of Governors.

The following written legal comments and/or opinions are annexed:

1. Liability of Witnesses to Action for Defamation Before the Red Deer College Inquiry. Given by Mr. Power and received by the Commissioner March 24, 1972.
2. A letter from Mr. Beames to the Chairman of the Red Deer College Board of Governors relating to Mr. Power's opinion on the matter of privilege. Received by the Commissioner on March 30, 1972.
3. Memorandum Dealing with the Question of Powers and Duties of the Board of Governors of the Red Deer College. Given by Mr. Power and received by the Commissioner April 6, 1972.
4. A letter from Mr. Beames commenting on Mr. Power's memorandum on the powers and duties of the Board of Governors. Received by the Commissioner April 10, 1972.

In addition to these written comments and/or opinions, the audio tapes of the Proceedings (see Appendix B) record verbal objections, advice, and suggestions, given to the Commissioner by Mr. Power, Mr. Beames and Mr. Gordon Wright, legal counsel to the Senior Administration, on the following matters:

- a) the propriety of the Student Association Brief
- b) the question of when presenters of briefs ought to be sworn
- c) the acceptability of the unattested comments appended to the Faculty Association Brief.



# HOLMES, CROWE, POWER & JOHNSTON

TELEPHONE 346-5591

BARRISTERS, SOLICITORS, NOTARIES

JACK K. HOLMES, B.A., LL.B. DOUGLAS L. CROWE, B.A., LL.B.  
ER C. G. POWER, B.COMM., LL.B. J. MACDONALD JOHNSTON, B.SC., LL.B.  
AMES T. MAH MING, B.A., LL.B. ROBERT H. SCAMMELL, B.A., LL.B.

4TH FLOOR, ROYAL BANK BLDG.,

4843 - 50 STREET,

RED DEER, ALBERTA

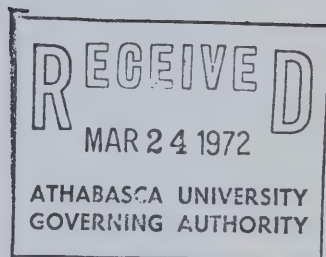
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IN REPLY PLEASE REFER TO:

P.C. POWER

March 23rd, 1972.

Mr. Laurie Hughes,  
Athabasca University,  
4th Floor,  
10808 - 99th Avenue,  
Edmonton, Alberta.



Dear Sir:

Re: Red Deer College  
Our File No. 4841

Further to our discussion on Wednesday, March 22nd, 1972, we enclose herewith in triplicate our opinion in connection with the problem of witnesses testifying before the Red Deer College inquiry involving the question of defamatory statements.

In formulating the procedure to be followed at the inquiry, I would suggest that the following rules be adopted:

1. That each organization or individual would firstly read his brief at the inquiry so that each person present would be aware of the contents.
2. That the person representing the organization after submitting his brief would then be sworn and any person who wished to cross-examine could do so.
3. That any person either representing an organization or individual could give sworn evidence regardless of whether he had prepared a brief or not. When the evidence of the witness is completed any party adverse in interest would be entitled to cross-examine the witness.

In addition it would be my recommendation that a schedule showing the dates and times when each group will be making submissions should be



Red Deer College

- 2 -

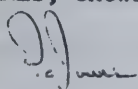
March 23, 1972

published in the local Red Deer newspaper and the information circulated at the Red Deer College.

When the briefs have been received by your office would you forward a copy to the writer as soon as possible.

Yours very truly,

HOLMES, CROWE, POWER & JOHNSTON

BY:   
P..C. POWER

PCP/sjs

Encls.



LIABILITY OF WITNESSES TO ACTION FOR DEFAMATION BEFORE

THE RED DEER COLLEGE INQUIRY

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1. OPINION: IT IS my opinion, based upon the authorities hereinafter cited, that those persons who give evidence before the Red Deer College inquiry may raise as a defence the fact that the occasion was privileged and consequently the person who claims to be defamed must establish malice. It is possible to argue that the proceedings are judicial in their nature, and that an absolute privilege attaches.
2. DEFINITION: Defamation is of two kinds, libel and slander. Any written or printed words or any visible or audible matter recorded in any form of a more or less permanent nature as, E.G., a statue, painting, photograph, cartoon, caricature or "movie picture" which tend to lower a person in the estimation of his fellow men or cause him to be shunned or avoided or expose him to hatred, contempt or ridicule constitute a libel. Defamation communicated by spoken words or in any other transitory form, whether visible or audible, as, e.g., significant sounds, looks, signs or gestures, is a slander.
- . ABSOLUTE PRIVILEGE: No action of libel or slander lies, whether against judges, counsel, witnesses or parties, for words written or spoken in the ordinary course of any proceedings before any court or tribunal recognized by law.

The immunity of witnesses in judicial proceedings from liability for statements made therein is not a statutory one but is founded upon a rule of law declared by the courts and based upon grounds of public policy and convenience. Such immunity extends to a witness before a commission appointed under the authority of a statute to inquire into some matter







properly cognizable if such evidence be pertinent to the inquiry. There are certain occasions on which public policy and convenience require that a man should be free from responsibility for the publication of defamatory words.

An absolute privilege attaches to the following statements:

- (1) Statements made in the course of judicial proceedings.
- (2) Statements made in the course of quasi-judicial proceedings.
- (3) Statements contained in documents made in judicial or quasi-judicial proceedings.
- (4) Statements made by one officer of state to another in the course of his official duty.
- (5) Statements made in the course of parliamentary proceedings.
- (6) Statements contained in reports published by order of either House of Parliament.
- (7) Fair and accurate reports in a "newspaper" of proceedings publicly heard before a court exercising judicial authority within the United Kingdom, or Canada.

4. QUALIFIED PRIVILEGE: The underlying principle upon which is founded the protection of a communication, otherwise actionable, under the rule as to qualified privilege, is "the common convenience and welfare of society" not the interests of individuals or of a class, but "the general interest of society."

But as a general principle, privilege attaches if the statements are fairly made by a person either in the discharge of some social, legal or moral duty, public or private, or if they are made in the prosecution of a person's own affairs in which he has an interest to a person having



a corresponding interest or to a person under a duty to do some act or impart some information in connection with the matter under discussion.

The question whether an occasion was privileged is one of law. There are occasions upon which, on grounds of public policy and convenience, a person may, without incurring legal liability, make statements about another which are defamatory and in fact untrue. On such occasions a man, stating what he believes to be the truth about another, is protected in so doing, provided he makes the statement honestly and without any indirect or improper motive. These occasions are called occasions of qualified privilege, for the protection which the law, on grounds of public policy, affords is not absolute but depends on the honesty of purpose with which the defamatory statement is made. The rule being founded on the general welfare of society, new occasions for its application will necessarily arise with continually changing conditions.

The following classes of statement illustrate but do not exhaust the general principle; for we may not "substitute a catalogue for a principle":

- (1) Statements made in the discharge of a public or private duty.
- (2) Statements made on a subject-matter in which both the defendant and the person to whom the statements are made have a legitimate common interest.
- (3) Statements made by the defendant in the conduct of his own affairs in a matter in which his own interest is concerned.
- (4) Statements made by the defendant to obtain redress for a grievance.
- (5) Statements made by the defendant in reply to inquiries by,



or on behalf of, the Plaintiff, or at his invitation.

- (6) Reports of parliamentary proceedings.
- (7) Extracts from, or abstracts of, parliamentary reports, papers, votes, or proceedings published by the authority of Parliament.
- (8) Extracts from registers kept pursuant to Act of Parliament and which by law the public are entitled to inspect.
- (9) Reports and broadcasts of judicial proceedings
  - (i) Qualified privilege at common law.
  - (ii) Absolute privilege by statute.
- (10) Reports in a newspaper or broadcast having qualified privilege
  - (i) Statements privileged without explanation or contradiction.
  - (ii) Statements privileged subject to explanation or contradiction.

5. CASES REFERRED TO:

A. O'Connor v. Waldron 1935 1 WWR 1

A commissioner appointed to make inquiries under the Combines Investigation Act is not equivalent to a judge and does not hold a court and hence is not entitled to absolute privilege in respect of statements made by him during the course of the inquiry. The proceedings were administrative, even though the commissioner had the power to administer oaths, punish for contempt, issue warrants and summons it was held that the procedure was administrative and did not determine either right or guilt.

This case is authority against the proposition that the Red Deer College inquiry, can be considered judicial in nature.

B. Nixon vs. O'Callaghan 1926 60 O.L.R. P. 77

An investigation of municipal affairs was conducted by an





investigator appointed under powers similar to those which the Red Deer College Inquiry operates.

In this case the court held that the proceedings were quasi-judicial and assumed a qualified privilege.

C. GEORGESON Vs. MOODIE 1917 3 WWR 997 Decision of Appellate Division of the Supreme Court of Alberta

An inquiry under the Public Inquiries Act attracted absolute privilege because the investigation could not in any way be considered administrative. It is to be noted that this case ante-dated O'Connor v. Waldron. The Red Deer College Inquiry can readily be characterized as directed to settling administration problems and as an administrative proceeding.

CONCLUSION:

It is submitted without question that a qualified privilege exists. That is a witness must be proven to be abusing the occasion. It is submitted that the privilege is absolute and that our courts would be bound by Georgeson v. Moddie.





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CONCLUSION:

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GENERAL

INSURANCE

ADJUSTER

TELEPHONE 347-7747 AREA CODE 403 — TELEX - 038-366

206 TORONTO-DOMINION BANK BLDG

**RED DEER, ALBERTA**

OFFICES

EDMONTON

CALGARY

STETTLE

GRANDE PRAIRIE

OUR FILE

YOUR FILE

March 29th, 1972

Athabasca University  
406 - I.B.M. Building  
10808 - 99th Avenue  
EDMONTON, Alberta

ATTENTION: L. J. Hughes


Dear Sir:

Thank you for your letter dated March 24th, 1972.

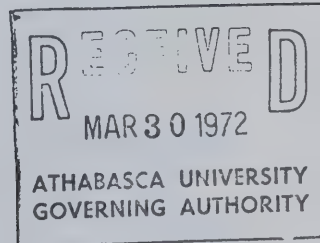
We are now attaching a copy of the College solicitor's opinion into the matter of privilege in the Red Deer College inquiry.

Thank you for your attention in this regard.

Yours very truly,

  
T. M. DONNELLY  
CHAIRMAN OF BOARD OF GOVERNORS  
RED DEER COLLEGE

TMD/lrc  
Encl.





# BEAMES, CHAPMAN, FOSTER & MCAFEE

*Barristers, Solicitors, Notaries*

J. W. BEAMES, O.C.  
T. H. CHAPMAN  
J. A. MCAFEE

208 PROFESSIONAL BUILDING  
4808 ROSS STREET  
RED DEER  
ALBERTA

TELEPHONE 346-6603  
ARFA CODE 403  
TWX 610-841-5684

YOUR FILE.....

OUR FILE.....

March 28, 1972

Mr. T. M. Donnelly  
3948 - 40A Avenue  
RED DEER, Alberta

Dear Sir:

I refer to the opinion dealing with the "Liability of Witnesses to Action for Defamation before the Red Deer College Inquiry". With respect, I am unable to agree with the opinion or that the authorities quoted therein form a proper basis therefor. I may say that I am not clear whether the opinion is that the privilege would be qualified or absolute as the conclusion seems to say both.

The basis of my disagreement with the opinion is its lack of any distinction between witnesses who are required to give evidence and those who give evidence voluntarily. It seems reasonable to me that the evidence of a person compelled to give the same should be privileged and I am of the opinion that it is and that such privilege is probably absolute, but at least, qualified. It seems unreasonable to me that the evidence of a person who is not compelled to give the same should necessarily be privileged because if it were, a person could, with impunity, use the inquiry as a forum for defamation. The latter statement assumes that the privilege, if it existed, would be absolute, and I am of the view that it would, but even if the privilege was qualified, it would still result in the not inconsiderable burden of establishing malice to negate the defence afforded by the privilege.

If a person out of a genuine sense of duty or interest wished to give evidence which he feared might subject him to an action for defamation, he could probably arrange upon satisfying the Commissioner as to his bona fides and motives to have himself summoned and required to give evidence.

Dealing now with the authorities upon which the opinion is based, it is my view that our courts would not be bound by Georgeson vs. Moodie. In the first place, attention is directed to section 4 of the Public Inquiries Act, which provides, amongst other things, that the





Mr. T. M. Donnelly

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March 28, 1972

Commissioner shall have the same privileges and immunities as a judge of the Supreme Court of Alberta. This provision was not contained in the Public Inquiries Act of 1908 under which Act was conducted the inquiry which was the subject matter of the Georgeson vs. Moodie case. It seems to me a fair inference that if the legislature had intended that witnesses before an inquiry would be entitled to the privileges and immunities of witnesses before a court, it would have said so and that the singling out of the privileges and immunities of the Commissioner can fairly be taken as inferring that the immunities and privileges of witnesses was not intended. In so stating, I recognize that such matters as privilege are established by law and not by statute, but nevertheless, the foregoing statutory inference cannot be ignored. Further, there is no indication in the Georgeson vs. Moodie case of whether the defendant was compelled to give evidence or simply chose to do so. In the course of the decision, the Chief Justice quoted from a text on libel and slander to the effect that absolute privilege attaches to all proceedings taken before any person who lawfully exercises judicial functions providing he is acting in his judicial capacity. It is my view that voluntary evidence does not satisfy these criteria. The Chief Justice also referred to and quoted from a leading English case, Dawkins vs. Rokeby, in which a person was summoned to give evidence before a military court of inquiry which was constituted and recognized as a court by the Articles of War and the Mutiny Acts, and it was found that the person was compelled by his duty to his superiors to give evidence and that such evidence was a communication made at the command of the Sovereign. It was held that absolute privilege existed notwithstanding that the evidence was given in bad faith with actual malice and without cause. In my opinion, that case could apply to the inquiry, but only in respect of a witness summoned to attend and to give evidence.

In the case of Nixon vs. O'Callaghan, it was found that the defendants were required to make statements under oath and had a duty to make full disclosure of facts within their knowledge. Again, the elements of compulsion and duty were present. In that case, the publication complained of was, in effect, made to a municipal council and a newspaper which it appears resulted in the finding of qualified privilege and accordingly, the case may not be too germane to the case of liability respecting evidence given to the inquiry.

The case of O'Connor vs. Waldron decided after the cases referred to above by the Judicial Committee of the Privy Council on appeal from the Supreme Court of Canada is the leading case which I believe would be followed by our courts. In that case, the following appears:

"The law as to judicial privilege has in process of time developed. Originally it was intended for the protection of Judges sitting in recognized Courts of justice established as such. The object no doubt was that Judges might exercise





Mr. T. M. Donnelly

- 3 -

March 28, 1972

their functions free from any danger that they might be called to account for any words spoken as Judges. The doctrine has been extended to tribunals exercising functions equivalent to those of an established Court of justice. In their Lordships' opinion the law on the subject was accurately stated by Lord Esher in "Royal Aquarium v. Parkinson" (1892) 1 Q.B. 431, at 442, 61 L.J.Q.B. 409, where he says that the privilege 'applies wherever there is an authorized inquiry, which though not before a court of justice, is before a tribunal which has similar attributes \* \* \* The doctrine has never been extended further than to courts of justice and tribunals acting in a manner similar to that in which such courts act.'

The question therefore in every case is whether the tribunal in question has similar attributes to a Court of justice or acts in a manner similar to that in which such Courts act? This is of necessity a differentia which is not capable of very precise limitation. It is clear that the functions of some tribunals bring them near the line on one side or the other; and the final decision must be content with determining on which side of the line the tribunal stands. There must be remembered on the one hand the public policy which protects the independence of the Judge; and on the other the public policy which requires that a citizen's reputation must be protected against false and malicious defamatory statements."

(It is my view that the doctrine only applies when the tribunal is exercising functions equivalent to those of an established court of justice or acts in a manner similar to that in which such a court acts. When a witness is called and required to give evidence, I believe the criteria are met and the doctrine applies. When, however, a person volunteers evidence and is permitted to give it, the tribunal is not exercising the functions of nor acting as a court.) After mentioning that the judicial committee had in an earlier case found that the functions of a commissioner under the act in question was merely administrative as opposed to judicial (which might throw question on the judgment in the Georgeson and Moodie case), the decision went on to observe in relation to the commissioner that:

"His conclusion is expressed in a report; it determines no rights, nor the guilt or innocence of anyone. It does not even initiate any proceedings, which have to be left to the ordinary criminal procedure."

Although I have not had sufficient time to thoroughly consider all of the foregoing and other authorities, as a result of which the foregoing is not intended nor can be considered to be exhaustive, it is certainly my present opinion that:



Mr. T. M. Donnelly

- 4 -

March 28, 1972

1. The testimony of a witness who is compelled to testify is privileged and that the privilege is probably absolute.
2. The testimony of a witness who is not compelled to testify is probably not privileged at all, but if any privilege exists, it is a qualified one.

Whether or not privilege exists and if it does whether it is absolute or qualified is a question of law, which, of course, could not be determined at the inquiry but could only be determined in the course of any defamation action which may arise as a result of the inquiry. I know it is the wish of the Board that all persons who have any evidence which may assist the inquiry be encouraged to present it without fear or favour, but at the same time, the question of what, if any, privilege might attach may have a salutary effect upon any person who might otherwise be tempted to make malicious statements or to make reckless statements not caring whether the statement were true.

I trust that the foregoing will be of some assistance.

Yours faithfully,



J. W. Beames

JWB:blh



# HOLMES, CROWE, POWER & JOHNSTON

TELEPHONE 346-5591

BARRISTERS, SOLICITORS, NOTARIES

JACK K. HOLMES, B.A., LL.B. DOUGLAS L. CROWE, B.A., LL.B.  
PETER C. G. POWER, B.COM., LL.B. J. MACDONALD JOHNSTON, B.SC., LL.B.  
JAMES T. MAH MING, B.A., LL.B. ROBERT H. SCAMMELL, B.A., LL.B.

4TH FLOOR, ROYAL BANK BLDG.,

4945 - 50 STREET,

RED DEER, ALBERTA

T4N 1Y1

IN REPLY PLEASE REFER TO:

P.C. POWER

April 6th, 1972.

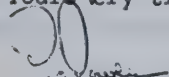
Mr. L. Hughes,  
Athabasca University,  
C/O Capri Motor Hotel,  
3310 - 50th Avenue,  
Red Deer, Alberta.

Dear Sir:

Re: Board of Governors of Red Deer College

Enclosed herewith is a Memorandum Dealing with the Question of Powers and Duties of the Board of Governors of the Red Deer College with I have prepared for your information.

Yours very truly,



P.C. POWER

/sjs

Encl.

*handed in  
2:05 P.M.  
April 6*





MEMORANDUM DEALING WITH THE QUESTION OF POWERS AND DUTIES  
OF THE BOARD OF GOVERNORS OF THE RED DEER COLLEGE

A. POWERS AND FUNCTIONS:

The Red Deer College was created by a Provincial Statute, namely, The Colleges Act, Revised Statutes of Alberta, 1970, being Chapter 56 and amendments thereto.

"Section 31. (1) Subject to subsection (3), there shall be a board of governors for each public college.

(2) A college board shall be established by an order of the Lieutenant Governor in Council."

"Section 32. (1) A college board shall consist of the President of the college and the following members appointed by the Lieutenant Governor in Council, namely,

- (a) an academic staff member nominated by the academic staff association of the college,
- (b) a member of the student body of the college nominated by the students' council, and
- (c) five other persons, one of whom shall be designated as chairman."

The Board of Governors is required to exercise discretion and adjudicate on various matters coming before it and by its decisions maintain a fair balance between all parties and policies coming before the Board. The Legislature of the Province of Alberta does not give any direction on the balance to be maintained and the burden of maintaining fairness rests entirely with the Board of Governors.

No legislation can of itself be so detailed as to provide for all contingencies arising out of its application and administration, and the steps necessary to realize and enforce its purposes. Disputes will arise on certain matters between individuals and groups and the Board is required to exercise its discretion and make decisions on the information put before it.

It is then a necessity for the Legislature to delegate to the Board certain power in order that it may exercise its discretion in a fair and reasonable manner.





In dealing with the question as to how the college board should operate, it is of interest to quote a letter of the former Premier of Ontario, Leslie Frost to Walter Gordon, written in May, 1958, in respect of matters coming before a committee on the organization of government in Ontario:

"It is, of course, paramount that government of the people, for the people and by the people should be preserved. On the other hand, democratic government in these days cannot be deprived of the benefits and efficiencies which come from good business methods. This, I think is the genesis of boards and commissions. In diverting itself of these methods, government should not create the means by which the free principles upon which governments exist should be undermine. In otherwords the problem is to preserve democratic government while not depriving it of the benefits and efficiencies which go with good business methods."

In dealing with the power given to the college board to conduct its own affairs, we must examine the specific sections found in The College Act, which reads as follows:

"Section 33. A college board may make by-laws respecting the calling of its meetings and regulating the conduct of business thereat, and generally, regulating the conduct of its business and affairs."

"Section 34. (1) A majority of the persons holding office from time to time as members of the board constitutes a quorum.

(2) A resolution or by-law passed by the majority of the members present at a meeting of the college board at which a quorum is present binds all the members of the board."

In dealing with the interpretation of Sections 33 and 34, we make reference to the Interpretation Act being Chapter 189 of the Revised Statutes of Alberta, 1970 and in particular the following sections:

"Section 6. (3) The expression "shall" shall be read as imperative and the expression "may" as permissive and empowering."

"Section 11. Every enactment shall be deemed remedial, and shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects.

"Section 18. (1) In an enactment,

(d) where any act or thing is required to be done by more than two persons, a majority may do it."



B. CASTING VOTE OF THE CHAIRMAN OF THE BOARD OF GOVERNORS:

One of the issues raised by the briefs submitted by the Red Deer College Students' Association, makes reference to the special board meeting held on Monday, May 17th, 1971, where the appointment of Dr. Eastman as College President was being considered. The following motion was made:

"Motion: Hay - Masson - That the following be a by-law of the Board of Governors of the Red Deer College:

"The Board of Governors of the Red Deer College being duly assembled and there being a majority of the members of the board, enacts as follows:

"If upon a question on a by-law or resolution being up, the votes of the members present are equally divided so that a majority upon such a question cannot be obtained, the chairman of the board shall have a second or casting vote."

The Colleges Act does not provide that the Chairman shall have a casting vote and therefore no legislative authority is provided for the procedural by-law passed by the College Board providing for the Chairman having a second or casting vote.

Section 34 (2) specifically provides that a resolution shall be passed by a majority of the members present at a meeting of the college board at which a quorum is present and this in our opinion limits the question of voting on any matter to those members who are in attendance and that each member shall have one vote only. This resolution therefore is ultra vires (beyond the power and in excess of the authority confirmed by law and therefore invalid).

In dealing with the question of the appointment of Dr. Eastman as president of the Red Deer College it is difficult to determine what actually happened at the meeting on May 17th, 1971 from the minutes of the meeting of the Red Deer College Board. The minutes read as follows:

"The board then voted on each one of the candidates and the following was a count based on a show of hands:



Dr. Murray Hewgill - 3  
Dr. Melvin Craig - 0  
Mr. Philip Culger - 3  
Dr. M. Ben Eastman - 3 plus 1 tie breaker

"Dr. Eastman will be offered the position of president effective immediately."

The board failed to include in a properly worded resolution that Dr. Eastman would be appointed president of the Red Deer College but perhaps this was done but never recorded in the minutes and it is difficult to surmise as to what took place. We have the situation where Mr. Donnelly cast a second vote in favour of Dr. Eastman and if the chairman does not have the legal right to cast a second vote, then Dr. Eastman is illegally and improperly appointed president of the Red Deer College. It follows then that all matters brought before the board while Dr. Eastman was president should be reviewed to determine whether or not they have been in fact passed by a majority of the board. The word quorum is defined in WORDS AND PHRASES Volume 4 Butterworth as follows:

"The word quorum in its ordinary signification has reference to the existence of a complete body of persons, of whom a certain specified number are competent to transact the business of the whole."

The ideal of the quorum is that, when that required number of persons goes into a session as a body, such as directors of a corporation, the votes of the majority thereof are sufficient for binding action.

IS THE ABOVE RESOLUTION VALID:

In my opinion the above resolution is improper as the board does not have the authority by Provincial Statute to allow the chairman of the college board to cast a second or deciding vote. In determining this question the following authorities have been examined:

1. Robert's Rules of Order Revised 75th Edition

"On a tie vote the motion is lost, and the chair of a member of





the assembly, may vote to make it a tie unless the vote is by ballot. The chair cannot, however, vote twice, first to make a tie and then give the casting vote."

2. Procedure at Meetings in Canada by Arthur Beauchesne C.M.G. Q.C. 1954 Canada Law Book Co. Ltd.

Page 34 "Casting Vote: Unless the incorporating statute or the by-laws provide therefore, the president or chairman of the board of directors has not a casting vote and a resolution passed by such a vote is invalid."

3. Wainberg's Company Meetings including Rules of Order 2nd Edition

Page 18 "Casting Vote: The chairman has no casting vote except where one is specifically granted by statute or the constitution. If the chairman is given a casting vote, he may cast it only if there is an equality of votes. He may give a contingent casting vote to become effective if it should appear, when the count is concluded that there is a equality of valid votes."

4. Blackwell's Law of Meetings 9th Edition Powell & Smith

Page 71 "To Give Casting Vote in Certain Circumstances: At common law the chairman of a meeting has no casting vote and the common law has provided no remedy if there is in an assembly an equality of votes."

Authority: Nell vs. Longbottom (1894) 1 Queen Bench Page 767.

C. POWERS AND DUTIES OF THE BOARD:

In considering the powers and duties of the college board, specific reference must be made to Sections 35 and 36 of The Colleges Act.

"Section 35. A college board shall

- (a) prepare and transmit to the Commission such annual and other reports and returns as are from time to time required by the commission,
- (b) ensure that the business and affairs of the college are conducted in accordance with this Act and the regulations,
- (c) determine the general policies with respect to the organization, administration, operation and courses of instruction of the college,
- (d) assume the entire responsibility in respect of the expenditures made by it for the operation of the college from the funds provided, and the responsibility for accounting for those expenditures, and
- (e) make provision for the keeping of full and accurate records of its proceedings, transactions and finances."

"Section 36. In addition to the powers given to it by The





Interpretation Act and this Act a college board may, subject to provisions of this Act,

- (a) build, add to, repair, alter or otherwise improve any land, buildings or premises held by the board;
- (b) provide furniture, equipment and apparatus necessary for the purposes of the college;
- (c) accept any gift, grant, devise or bequest of any property made to it;
- (d) act as trustee of any moneys or property given or bequeathed for the support of the college;
- (e) subject to the terms of any trust upon which it may be held, invest in such manner as it considers proper any moneys of the board that are not then required to be expended for any purpose for which they may be lawfully applied;
- (f) draw, make, accept, endorse and issue promissory notes, bills of exchange and other negotiable or transferable instruments;
- (g) borrow money from any person or enter into overdraft arrangements with a chartered bank or treasury branch and give security for the repayment of such moneys;
- (h) do such other things as may be required to administer the college and its property."

In addition the members of the board are expected to have and to apply the characteristics of an ordinary prudent man and to exercise ordinary knowledge, skill and judgment. The board of governors has the right to the services of the members, it has the right to the voice and advice of every member on each matter brought before the board for consideration.

The duties of the member of the college board makes it incumbent on him to give his whole ability, business knowledge, exertion and attention to the best interests of the college and the Lieutenant Governor in Council who has placed him in that position. It is incumbent on him to assume no part that would be inconsistent with a proper, free and independent discharge of his duties. He cannot serve two masters. His interest for himself and his duty to the college, whose agent he is, must not be brought into conflict.



Diligent attention to the affairs of the college is essential.

The particular degree of diligence required is a very difficult matter to define, but the exercise of care and discretion is necessary. When a person becomes a member of the college board he accepts a trust and accordingly should be charged with the knowledge of those facts which it is his duty to know.

Once appointed a member of the college board he has a duty to attend meetings of the board and to participate in the management of the college. He is not bound to attend all meetings of the board, but he ought to attend as often as possible. A member of the college board who acts honestly, in good faith with reasonable diligence, considering all the circumstances of the affairs of the college, the transaction in question, and his own knowledge, qualifications and experience and attends meetings with a reasonable regularity is not likely to be liable for any wrongful acts.

Members of the college board are not expected to be experts in all fields of endeavor and must frequently rely on the advice of specialists. They should call upon lawyers for legal matters, bankers and brokers for financial problems, engineers for engineering problems. They should obtain outside advice when circumstances require, but they must be reasonably assured that the outsider is truly qualified to give the advice sought.



# BEAMES, CHAPMAN, FOSTER & McAFEE

*Barristers, Solicitors, Notaries*

J. W. BEAMES, O.C.  
T. H. CHAPMAN  
J. A. McAFEE

208 PROFESSIONAL BUILDING  
4808 ROSS STREET  
RED DEER  
ALBERTA

TELEPHONE 348-6603  
AREA CODE 403  
TWX 810 441-5684

T4N 1X5

YOUR FILE .....

OUR FILE .....

April 10, 1972

Mr. L. J. Hughes

Dear Sir:

I refer to Mr. Power's memorandum which you handed to me and in respect of which I gather you wished my comments. I assume that he was asked his opinion respecting the Board's "casting vote" by-law, together with another or other question or questions, the latter of which are not clear to me from the memorandum so that I shall comment only on the former.

The matter of the by-law is certainly open to question, but I do not agree that Mr. Power's opinion is necessarily correct in view of all of the circumstances which existed.

Unfortunately, the constitution of a board under the Act invites the very problem which was faced in this case, namely that there are an even number of board members although the actual number involved in this case was 6 rather than 8. In any event, the possibility of tie votes can readily be envisioned. I agree that in the normal case, where there is no provision to the contrary, a tie vote is lost, and it is for this reason that voting bodies such as municipal councils have an uneven number of members. In the case in point, there was no president and one member of the Board was ill and in the hospital. It was and is my opinion that the ill member could not vote by proxy since section 34(2) requires the members to be present (I may say that in my opinion a member is not present within the meaning of the section unless he is actually voting). The chairman apprehended the real possibility, which was subsequently proven to be the case, that the votes between the 6 members were equally divided. As I understand it, the ill member was hospitalized for a considerable period of time and it was urgent that a president be appointed as required by section 45 of the Act. The chairman has been criticized for exercising the casting vote provision, but it would seem to be no more reasonable that the chairman should be forced to disenfranchise himself so as to permit the appointment of a person whom he did not support. Under the





Mr. L. J. Hughes

- 2 -

April 10, 1972

circumstances, reference is made to section 33, which provides that a board may make by-laws respecting the conduct of business at its meeting and generally respecting the conduct of its business and affairs. As pointed out by Mr. Power, section 11 of the Interpretation Act provides that every enactment shall be deemed remedial and shall be given such fair, large and liberal construction as best ensures the attainment of its objects. In my view, it can well be argued by reason of the deadlock and stalemate which existed, section 33 of the Colleges Act and section 11 of the Interpretation Act authorized the procedure which was followed. This is not to say that no other authority or argument exists in support of what was done. There is, of course, the further obvious point that all concerned acceded to the appointment until the present time, which appointment, had it ever been questioned, could presumably have been regularized at any time.

I am not therefore prepared to concede that the by-law and resolution are ultra vires (I understand from the evidence that following the vote complained of, a vote was held making Dr. Eastman's appointment unanimous), and I am certainly not prepared to concede that the foregoing calls into question all resolutions subsequently dealt with by the Board.

In any event, this is another matter which could be decided only by the Courts.

I trust that the foregoing may be of some assistance.

Yours faithfully,



J. W. Beames

JB:blh





RED DEER COLLEGE INQUIRY  
Appendix D

A Partial Listing of Informational Sources and Bibliographic Material  
Used in the Red Deer College Inquiry March - May 1972

Academic Council Minutes, July 1971 to March 13, 1972

Administrative Staff Minutes, July 1971 to March 10, 1972

Agreement between Red Deer College and the Faculty Association of  
Red Deer College (1969)

Agreement between Red Deer College and the Faculty Association of  
Red Deer College (20th December 1971)

Annual Report - Registrar's Department, 1970-1971

Auditor's Report - for year ending December 31, 1969

Auditor's Report - for six month period ending June 30, 1970

Auditor's Report - for year ending June 30, 1971

Board of Governors' Committees - a listing

Briefs presented by: (listed in the order in which presented)

The Student Association of Red Deer College  
The Board of Governors of Red Deer College  
The Faculty Association of Red Deer College  
The Senior Administration of Red Deer College  
Local 1445 of the Canadian Union of Public Employees  
The Nursing Department of Red Deer College  
Mr. George Bedirian  
Mr. Clark A. Reed  
Mr. Du-Fay Der  
Mrs. Michaels and Messrs. Graff, Neufeld, Wold  
Mr. V.E. Schneider  
Mr. John Fontaine  
Mr. C.H. Campbell  
Mr. Don Watkins  
Mr. Masao R.Y. Chen  
Mr. V. Richards  
Mr. G.B. Hooge  
Mr. Ronald E. Prokosch



Mr. M. Prime  
Mrs. Eileen Taylor  
Mr. G. Kodish  
Mr. Larry Zoakypny  
Mr. G. Farthing  
Miss S. Tretiak  
Mr. A. James Gerwing  
Mr. Cor Ouwerkerk  
Mr. W.F. Finn  
Messrs. B.R. McDonald and R.A. Yackulic  
Mr. R.A. North  
Mr. S.G. Bachynsky  
Mr. Jack Mounce  
Mr. Albert Schmidt  
Mr. B.R. McDonald  
Mr. M. Estabrooks  
Mr. J.A. Proudfoot  
Mr. Norman L. McLeod  
Mr. Mel Delaney  
Mr. D.K. Robertson  
Mr. Craig Spenser  
Mr. Scott W. Munroe  
Mr. G. Fabris  
Mr. M.D. Coleman  
Mr. Paul Jenson  
The City of Red Deer

Colleges Act, The Province of Alberta

Community College Student Information System - Statistics Canada

Comparison of Withdrawals 1968-69 to 1971-72, Registrar's Office

Constitution of the Red Deer College Council, March 1970

"Cookie Monster" issues from November 24, 1971 to February 22, 1972

Correspondence between the Red Deer College and the Alberta Colleges  
Commission, November 5, 1969 - March 16, 1972

Correspondence of the Red Deer College Faculty Association, 1971-1972  
- a selection

Enrollments by Program and by Home School Districts, from 1965-1971,  
Registrar's Office

Enrollment Projections to 1974-1975, Red Deer College



Faculty Handbook, 1968-69

Faculty Handbook, 1969-70

Financing of Red Deer College - a statement by the Bursar

"Index to Recommendations of College Council to Board of Red Deer College" - Mrs. R.V. McCullough

Interim Report on Educational Programming at Red Deer College,  
March 30, 1972 - L.W. Ferguson

Minutes of the Executive Committee of the Red Deer College Faculty Association, March 1971 - March 1972

Minutes of the Red Deer College Board of Governors, November 1969 to March 6, 1972

Minutes of the Red Deer College Council, 1970-1972

Minutes of the Red Deer College Faculty Association, January 1971 - March 1972

"The Newsletter" issues for September 7, 1971 through March 20, 1972

Operating Budget, July 1, 1972 to June 30, 1973 - Bursar's Office

Organizational Structure of Red Deer College - a statement

Organizational Structure of Red Deer College Student Association -  
a statement

Order-in-Council 427/72

Order-in-Council 428/72

Public Inquiries Act, Province of Alberta

"Red Deer Advocate" - a selection of clippings from January 1972  
through May 1972

Red Deer College Calendar, 1971-1972

Red Deer College Calendar, 1972-1973

Red Deer College Faculty Association Constitution



Red Deer College Student Association Executive Minutes, May 3, 1971 -  
January 13, 1972

Red Deer College Student Association Minutes, September 28, 1971 -  
January 18, 1972

Regional Participation in Post-Secondary Education in Alberta, Fall  
1971 - an occasional study by N.J. Chamchuk, Alberta Colleges  
Commission

Research Studies in Post-Secondary Education #13 - "Students'  
Perceptions of Their Involvement in Decision-Making Processes  
Associated with the Governance of Two Alberta Colleges", by  
David Jeffares

Research Studies in Post-Secondary Education #16 - "Administration -  
Faculty Conflict Over the Distribution of Control in Policy  
Formulation in Alberta Colleges", by Thomas Charles Day

Results of the Proceedings of the Red Deer College Retreat and  
Conference held at the Olds Agricultural and Vocational College,  
January 16 and 17, 1971

Standing Committees of College Council - a statement





RED DEER COLLEGE INQUIRY  
Appendix E

Expenses of the Inquiry

The finances for the Red Deer College Inquiry were handled through an account at the Financial Building Branch of the Toronto-Dominion Bank. The account was initially funded by a loan from Athabasca University which was later reimbursed by the Department of Advanced Education. Expenditures incurred in the Inquiry were charged to Appropriation 3002 to March 31, 1972 and Appropriation 3003 thereafter. The authority for the spending of funds in connection with the Inquiry was Order-in-Council 428/72.

Supplies, Xeroxing, long distance telephone charges, postage and printing (estimated) .....	825.00
Travelling expenses .....	304.35
Advertising and subscription .....	207.66
Luncheon consultations .....	93.75
Payment for miscellaneous clerical and professional services (estimated) .....	350.00
Taping of public hearings and purchase of tapes .....	635.00
Rental of space in the Camille J. Lerouge Collegiate and custodial services, April 3-8 .....	312.31
Rental of space in the Capri Motor Hotel, April 10-12 .....	45.00
Payment of expenses to Mr. Paul Jenson re: appearance at Inquiry .....	154.10
Assistance to Student Association in preparation of brief .....	241.75
Living expenses in Red Deer for Commissioner and staff, April 3-12 .....	801.14
Services for Commission Counsel .....	4,000.00
Fee to L. Hughes, Secretary to the Commissioner .....	1,023.50
Fee to T.C. Byrne, Commissioner (determined by The Minister of Advanced Education) .....	

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